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SMALL BUSINESS HEALTH FAIRNESS ACT OF 2004—Continued

□ 1415

Mr. HOLT. Mr. Speaker, I rise in opposition to this bill and in support of the substitute that the gentleman from Wisconsin (Mr. KIND) and the gentleman from New Jersey (Mr. ANDREWS) will be submitting.

Mr. ANDREWS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ), for whom I have the most profound respect, the ranking Democrat member of the Committee on Small Business.

Ms. VELÁZQUEZ. Mr. Speaker, I thank the gentleman from New Jersey (Mr. ANDREWS) for yielding me this time.

Today, we should be focusing on helping small businesses address the health care problems they face. Instead, our debate is not about policy but about politics. The House has already passed this once, and it is a bit early for summer reruns. It is a good bill with broad bipartisan support. Passing it twice will not change that.

As we move forward, small businesses are facing a real health care crisis. Small firms that can afford health insurance are seeing costs rise by nearly 20 percent every single year, and many small businesses do not even have health insurance.

This is a good bill. It has strong solvency requirements and safeguards to ensure there will be no cherry-picking of healthy employees.

Critics of this legislation will cite an outdated study that examines legislation far different than the bill before us today. This has the same validity as saying Columbus should never have sailed to the New World because previous studies had shown the world was flat.

Association health plans will give small businesses the same advantages that corporate America and unions al-

ready have. I always say, if it is good enough for IBM, GM, and Lockheed Martin, it is good enough for small businesses.

But we should stop playing politics with small business. If the Bush administration was truly committed to small businesses, association health plans would already be law.

Today's debate is not going to help small businesses lower their health care costs, it is not going to help them cope with the constant fear of being just one illness away from bankruptcy. It is about time small businesses were able to afford quality health care. That is why I will encourage my Democrat colleagues to support this proposal and show as a party that we are bigger than this political gamesmanship.

I call on the Republican leadership in the Senate and President Bush to make this bill a priority and pass it. I urge a "yes" vote.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, today I rise in strong support of association health plans. As we have heard, small businesses pay 17 percent more for their health care than employees of large companies. In a State like West Virginia, where over 90 percent of our business is small business, this is impossible for our small business owners.

Over 44 million Americans, sadly, are without health insurance, and more than 60 percent of those are employed by a small business. The high costs small businesses have to bear to provide health care, for what in many cases are just a few employees, prohibits owners from providing affordable health insurance and losing employees at the same time.

Through a trade association, like the National Federation of Independent Businesses, small businesses would be allowed to band together, pool their re-

sources, drive down health care costs and gain buying power.

Nondiscrimination provisions in the legislation ensure health coverage will be offered to those who need it most, and solvency requirements will make sure that the health plans have the financial resources on hand to cover their employees' needs.

Mr. Speaker, during a roundtable I had several weeks ago with small business owners in my district, everyone was concerned about offering health care coverage. Small business owners want to be able to afford this, not only for them as owners but also for their employees.

This House has passed this association health plan legislation before. Workers need health care coverage, their children need health care coverage, and small business owners want to offer health care coverage. I urge my colleagues to support association health plans.

Mr. TIERNEY. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, the so-called Small Business Health Fairness Act is a bill that is attractive to a few but it is sufficient for none, and it seems to be harmful for everyone else. While there are employers, workers and family members who do depend on health insurance, what they really need is solutions that are going to work for everybody and not just some empty promises.

The Congressional Budget Office did an estimate on this proposed bill and estimated that approximately 4.6 million people might obtain some coverage through these proposed associated health plans but only about 330,000 of those people would be new customers.

The fact of the matter is that there is not going to be the dramatic savings that is proposed here. That simply will not materialize. The Congressional Budget Office found that these AHP

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premiums would only be marginally less than the traditional health care plans. In fact, the Mercer Consulting STUDY that was done for the National Small Business Association found that premiums would increase by 23 percent for those outside the AHP market. It also found there would be an increase in the number of uninsured workers in small firms, an increase of a million people, as a result of this being implemented.

The fact of the matter is that Americans would also lose their right to vital medical coverage, like OB-GYN and pediatrician services, cervical, colon, mammography and prostate cancer screening, maternity benefits, well-care child services, and diabetes treatment.

When we had witnesses testifying at the committee hearing, Mr. Speaker, we specifically asked the small business witness whether that is what she wanted to have happen to her company. And her testimony indicated clearly she did not, and she did not understand that was going to be the result of this bill passing.

This bill is going to disallow a lot of State protections, and almost all the States have in protections for people under this bill. This House voted for a Federal Patients' Bill of Rights that would have recognized States' protections that are in place for insurance programs. Almost every single Member on both sides of the aisle voted for that legislation; yet this piece of legislation, the AHP bill, would peel that away and take away the State protections for all those things that people in small business want.

As a person in a small business and representing a number of small businesses for over 22 years, I can tell you small business employers do not want an inferior policy for their employees.

With respect to the question one of our colleagues on the other side raised about the distrust of the private sector, we are all very much in favor of the private sector, but most people are in favor of it being a balanced situation in this country. We understand unless there is some reasonable regulation, some private industries will go too far in one direction, as has happened in the past with programs similar to this, the so-called MEWAs that existed at one time that were replete with fraud, corruption, and solvency problems.

This is a situation that has to be corrected. We cannot allow it to happen again here, and there is evidence in recent times that that is exactly what would happen with this bill.

Mr. Speaker, small business owners and their employees deserve protections. They deserve to go to the emergency room. Women small business owners deserve to go to gynecologists without referral from another doctor. Why should we treat small business owners and employees like second-class citizens by giving them second-class health care? Instead of extending the patient protections to all Americans,

this bill would roll back the limited protections that exist today.

I think if we speak plainly, Mr. Speaker, this bill eliminates the State regulation of AHPs and is in fact an anti-patients' bill of rights. For this reason and the other reasons I have mentioned, and others have said, and the fact that over a thousand different organizations oppose this bill, including the National Governors Association, the Republican Governors Association, 41 State attorneys general, the National Small Business Administration, the National Association of Insurance Commissioners, as well as a dozen other groups of labor business and consumer groups, I believe this is not a good bill for small business, it is not a good bill for the employees of small businesses. We can do better and we should.

Mr. BOEHNER. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentleman for yielding me this time.

It is interesting to note the gentleman just said, why should small businesses be treated as second class citizens. The fact of the matter is, they are already treated as second-class citizens because they do not have and cannot afford to have health insurance for their employees. Sixty percent of the 44 million uninsured people in America work in small businesses.

Now, there is something very interesting happening in this debate, and I want to lay it on the line. All the people who are against this bill have health insurance. Yes, the unions and the governors, be they Democrat or Republican, and all the other folks who are saying this is a bad bill, have health insurance. On the other side, the folks who want this bill, are small business owners, 12 million of them, who cannot afford to provide health insurance for their employees. Why should they not have an opportunity to pool together to gain the leverage that would enable them to provide affordable health insurance?

Now, you hear people saying the benefits are too skimpy and you do not have the State mandated benefits and all these other things. Those benefits are fine, and I have supported them. But the fact of the matter is if you do not have any health insurance, then the benefits and the protections and the consumerism and all that does not mean a thing because you do not have any health insurance.

Number one, why not let the employees make the decision? If the benefits are too skimpy, the employees will not buy them. On the other hand, if a basic plan enables you to see a doctor or save money on going to a doctor, that is a good thing and people will buy it.

The second item I might mention, large corporations that self-insure and unions that cross States lines do not have to adhere to these mandates that people are saying is so important. So what is the difference? It seems to me

that if we do not want to treat folks as second-class citizens, let small businesses have the same benefits that big corporations and unions currently enjoy.

Now, the other item you will hear about is cherrypicking. There are provisions in this bill to prevent cherrypicking. You will hear about solvency problems. There are provisions in the bill to ensure that the solvency is the same as the solvency for other insurance companies.

Now, who gets insured? You have heard, well, people will lose insurance, insurance rates will rise. CONSAD Research Institute conducted a study that concluded that 8.5 million more Americans, uninsured workers, would have access to insurance under this bill.

Now, this bill is not a panacea. It is not perfect. But it is a step forward that will enable us to insure the group of people who do not have insurance. Instead of listening to all the thousands and hundreds of groups that they are saying are against this bill, but who for some reason have insurance, let us provide a benefit to the uninsured small businessperson, give them the opportunity to have associated health plans and move towards insuring the uninsured.

This is National Insure the Uninsured Week, not National Let Us Talk About Insuring the Uninsured Week. The thing that we can do that would do the most good is to pass this bill and move toward insuring the uninsured.

Mr. ANDREWS. Mr. Speaker, may I inquire as to how much time is remaining on our side?

The SPEAKER pro tempore. The gentleman from New Jersey has 12¼ minutes remaining, and the gentleman from Ohio has 10 minutes remaining.

Mr. ANDREWS. Mr. Speaker, I yield myself 30 seconds.

My friend from Maryland, whom I respect very much, when they talk about the number of people who would gain insurance with AHPs, the Congressional Budget Office drew the conclusion that the vast majority of members of AHPs would not be newly-insured people. They would be people shifted from existing plans into the AHPs.

I think the better authority is that one million people, net, one million more people would be uninsured as a result of this bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN) a member of the Committee on Energy and Commerce.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from New Jersey for yielding me this time and for his leadership on health care issues.

In my home State of Ohio, we have a successful multi-employer health insurance program sponsored by the Council of Smaller Enterprises, or COSE. Some 14,000 businesses participate. For 30 years, Ohio's COSE has been negotiating with commercial insurers to offer small businesses coverage and rates usually reserved for the

largest companies. Each year, COSE members collectively save almost \$50 million in health insurance premiums.

Unlike the association plans envisioned under 4281, COSE works within the framework of State insurance law. That means COSE is not subject to the scams, to the insolvencies, to the indiscriminatory coverage schemes that are the hallmark of association plans. This bill puts Ohio COSE at risk.

It is like a poker game. If one person is playing by the rules and the other is cheating, the cheater will probably win. Now the stakes are even higher. Not only is health coverage at risk for those who play by the rules, but the gains are short-lived for those who do not.

Companies that join an association health plan may see favorable premiums one year and be priced out of coverage the next. Their employees may or may not be covered for needed health care and claims may or may not be paid. It is simply a crap shoot.

The American Academy of Actuaries has no stake in the outcome of this debate. Private insurers hire actuaries to calculate premiums. Here is what the Academy has to say about this bill. "This bill will likely have unintended negative consequences." The Academy says "AHPs produce fragmentation of the market," as we have heard over and over and over today. They say, "AHPs are likely to lead to cherry-picking, to adverse selection, and to increased costs for sicker individuals."

□ 1430

The academy says that AHPs create an unlevel playing field, there have been many examples of AHP-like organizations becoming insolvent, and that the anticipated expense reductions are simply unlikely to materialize. Even though 44 million Americans are uninsured, the Republican majority has no intention of seriously considering proposals to expand access to health insurance.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Let me remind all of my colleagues that we are talking about 44 million Americans who have no health insurance. They get to the doctor, albeit very late, they get to the hospitals, albeit very late, they die sooner, and they have higher health care costs that we all who have health insurance pay for. It all ends up in the size of our bill.

But the bigger disgrace is that there are 44 million Americans who have no health insurance, no preventive care; and we are attempting to do something about it. The gentleman from Ohio (Mr. BROWN) denigrated these interstate plans as scams that could go corrupt. Let me see. If I recall, we have companies like General Electric which have employees in virtually every State. They have a plan under the Employee Retirement Income Security Act. How about the Teamsters? I would say the Teamsters have plans that cover virtually every State.

Why would we not allow small employers that belong to the NFIB, belong to the U.S. Chamber of Commerce, belong to the Electrical Contractors Association, why would we not let them come together to form the same kinds of health insurance plans that large companies and unions offer from coast to coast? What do we have to fear? What do we have to fear in trying to help 44 million Americans have a chance at good health insurance?

Mr. ANDREWS. Mr. Speaker, will the gentleman yield?

Mr. BOEHNER. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Speaker, I assume the gentleman's question was not rhetorical. What we have to fear, we should listen to the advice of attorneys general and Governors and insurance commissioners from around the country who say we have to fear this: we have to fear a poorly regulated or unregulated structure that is not properly accountable under fiduciary standards and has no experience in running insurance companies, which is why they oppose the bill.

Mr. BOEHNER. Mr. Speaker, reclaiming my time, those regulatory requirements are not on the GE's that we talked about, they are not on the Teamsters, they are not on other big employer or union plans. They are governed under a Federal statute called ERISA that has worked very well to insure and provide the basis for health insurance in America, and we ought to trust small businesses that would join these associations and give them the same rights that big companies and unions have.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Ohio (Mr. BOEHNER) for yielding me this time.

I want to talk about this as a former insurance agent. I sold property and casualty insurance to small businesses all over Georgia before I came to Congress. I was not in the health care business, but quite frequently my clients would come to me and say, Can you help us with health care? Can you point us in the right direction? So I have some knowledge of it on the ground from the perspective of a pet store, a barber shop, a brick mason, small employers with 5 to 15 people.

What their problem is, they have been priced out of the health care business because we insist through state-mandated benefit that they have to buy a Cadillac insurance plan. They cannot buy a stripped down Toyota; they have to buy the Cadillac with all of the options. That is what we are doing. Because of that, that brick mason with seven employees says to his employees, We cannot do health care any more. If your wife or somebody in your family cannot put you on as a dependent, you do not have any health care.

What this plan does is it gets uninsured employees back in the business

of health insurance, those employees who are making too much money for Medicaid, for example, and workers comp is only going to cover them on the job. This gives them access to the health care. It makes it affordable because that brick mason, that pet store, that barber shop can combine with other similar businesses all around the country, and they can go into the marketplace with the economy of scale, the buying clout which the GE's and big unions have, and then they can have affordable health care. It gives relief from some of these mandated benefits. A mandated benefit is not necessarily bad; but if you require someone to have pediatric shots, nobody is going to say that is a bad idea, it makes sense, but it might not apply to you or you might want to assume that risk or cost yourself.

We are saying to these employers and employees you have no option, you have to buy this because we are the government and we know what is best for you. This gives them a common-sense approach, a great compromise so they can afford health care again. I urge my colleagues to support this bipartisan legislation.

Mr. ANDREWS. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH), another voice who joins the coalition of AFL-CIO, 66 chambers of commerce and the National Governors Association, a gentleman who has brought great honor to this House during his Presidential campaign.

Mr. KUCINICH. Mr. Speaker, when a doctor prescribes a path of care that does not work out, patients are always advised to get a second opinion, so I want to offer a second opinion in answer to the gentleman from Ohio (Mr. BOEHNER).

This bill would increase the number of uninsured. It would increase costs. It would increase discrimination against older workers, and it would remove patient protections. Despite the widespread agreement on the need to provide more health care coverage, decrease cost and improve care, this bill moves in the opposite direction. Instead of improving access to health care, this legislation would worsen access.

Approximately 1 million people would lose their insurance coverage if this bill is enacted. Instead of reducing premium costs, this bill would increase premiums for 20 million small business workers. Instead of making coverage more equitable, AHPs would lead to discrimination against older workers who would have a much more difficult time getting coverage. Instead of increasing patient protections, this bill would remove them. State patient protection laws would be effectively waived for AHPs, leaving patients without the ability to enforce protections for basic benefits, like emergency medical services and access to specialists.

The Hippocratic Oath says "Above all, do no harm." This bill takes a bad

health care situation in this country and makes it worse, which is not what the people ought to expect from this Congress. I urge the Congress to reject the underlying bill and at some point in the future we are going to have to answer the issue of universal, single-payer, not-for-profit health care so we do not look at these kinds of phony, stopgap measures.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

I remind my colleagues one more time that we are talking about trying to assist 44 million Americans who have no health insurance. This may not be the perfect product, it may not be the perfect package, but for the life of me, I cannot understand why people do not want to come to the plate and try to do something to help these Americans who do not have access to affordable health insurance.

Maybe the answer is what we just heard from my good friend and colleague, a member of the committee from the other end of the great State of Ohio who wants a single-payer national health plan. I think most Americans looked up in the mid-1990s when this idea was floating around and said, Oh, no. No, no, I like my health insurance. I like going to the doctor I choose. I do not need the government running my health insurance plan.

Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Speaker, today the House has a chance to help small business with their number one concern: health care. Many Members are already aware of this, but 25 million small business owners, their families and employees currently do not have health insurance. It is simply too expensive. We have a system in our country today that puts small business on one playing field and big business on another, and that is not acceptable. Small business is the driving force of our economy, the number one job creator in the Nation, and the backbone of our local communities.

H.R. 4281, the Small Business Health Fairness Act, puts small business and big business on a level playing field. It gives small business the capability of buying health insurance at the same cost and with the same rules that big business plays by. I think it is time we gave our small businesses a helping hand.

I am confident that we will pass legislation to create association health plans today, and I encourage all of my colleagues to support it; but it is time for the other body to act and pass the Small Business Health Fairness Act. The time has come to address this problem, and the entire Congress should support this legislation.

Mr. ANDREWS. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, we certainly take up the challenge to present a better idea, which the gentleman from Wisconsin (Mr. KIND) and I will be doing in a few minutes under the alternative. We un-

derstand that the American Academy of Actuaries, a group with no vested interest in this debate, has concluded that 1 million people will be added to the roles of the uninsured by this bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I rise in opposition to this bill. I do it as the son of a pediatrician and the brother of an oncologist. I appreciate that the Congress today and the Senate, the other body, is having a debate about health care. Senator KERRY is out presenting his health care plan; the only person lacking a health care plan in this debate, after 3 years in office, is the President of the United States.

The Institute of Medicine estimates that 18,000 Americans die prematurely because of not having health care. This is not just a problem of the poor. The fastest growing group of working uninsured in this country are people earning up to \$50,000 a year. Kaiser Family Foundation found that the system, the insurance system, literally pays somewhere close to \$125 billion to cover the uninsured who do not receive health care. All of us who have health care pay an uninsured premium in our health care cost for those who show up at hospitals without health insurance, getting critical care rather than preventive care.

Even as we spend more money than any other industrialized nation on health care, we have 44 million uninsured, of whom 33 million work and 10 million are children.

To address the needs, we can do better than the bill which experts say will damage, rather than benefit, the insurance market. We can do better than a bill that takes away important insurance requirements like cancer screenings and other critical preventive care rather than relying on the emergency care which is what the uninsured patient receives today.

This bill would actually increase the uninsured premium all of us pay who have health insurance by putting additional strains on the insurance system and increasing premiums for many Americans. In 2000, the health costs for a family of four was \$6,500. Today it is \$9,000. It is going up exponentially by a third. Nobody has gotten an increase in salary by a third. What is the driving force behind that inflationary fact in health care insurance premiums? The uninsured who show up at hospitals. Hospitals recoup the cost by passing it on, which raises premiums.

Mr. Speaker, I urge my colleagues to reject this bill and pass the substitute which will help small businesses provide health insurance, reduce the number of uninsured while reducing the premiums the rest of us pay.

Mr. ANDREWS. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY), who had a career in State government in insurance regulation and, frankly, I think knows more about this subject than any other Member of the House.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me this time and commend the gentleman as well as the chairman for what is a very interesting debate with some technical sophistication on the business of how we expand health insurance in the small business environment.

Let me begin by explaining briefly how purchase decisions work in a small business, unlike General Electric. General Electric has a human resources department. They have actuaries on contract. They can thoroughly do due diligence on any health insurance program they are evaluating for their employees.

Our Own Hardware store in Valley City, North Dakota, my hometown, is quite different. There is one business proprietor, maybe a half a dozen or a dozen employees, and when he sits down to visit with a person promoting a health insurance program, he does not have an ability to evaluate the rating scheme. He does not have an ability to assess the adequacy of the fairness of the medical underwriting. That Our Own Hardware store does not have the ability to determine whether the company is solvent and reserving adequately to pay future claims, the Our Own Hardware does not have to do that because when they sell health insurance now, it is regulated. We have a State insurance department that does that. That used to be my job. And the State insurance commissioners across this country are in their offices every day making certain that the presentations to the Our Own Hardware stores represents a product that is going to be there when they need it.

When we buy insurance, we pay premiums today with the hope of getting the claim paid tomorrow, and that means we have to have a reliable entity on the other end. That is what regulation brings us.

□ 1445

The bill before us would depart from that. They would basically substantially do away with State solvency checks, with the State regulation on underwriting criteria, with the assessment of whether or not the rating is fair. I believe there would be very, very damaging results. In order to bring the cost of insurance down, we have seen self-regulated companies like the AHPs try to cheat on the business of paying claims. They do not have the capital to pay the claims when the claims come due. In fact, the most recent version of the AHPs that have been out there, these MEWAs, the insurance commissioners tell us they left more than 400,000 people holding the bag with medical claims but no insurance company to pay them.

The majority talks a lot about trying to get coverage to those who do not have it. You sure do not want to give people the illusion of coverage that is not real because they count on that company in paying the claim. And what we see with these self-regulated

outfits, when you need them, they are not there. They have taken your money and they have left. So not only does it fail in a meaningful way to get coverage to those who need it, it undercuts the coverage of those who already have insurance. In fact, the estimate from the actuarial firm that a million would lose their coverage is yet another solid reason why we should not take this path and adopt the AHPs.

Vote "no" on this measure.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

With all due respect to my good friend from North Dakota who is one of the real experts on insurance and pension matters in the House, he is a former State insurance regulator, we have heard this claim that Governors, State insurance regulators and attorneys general are opposed to this bill. Of course they are. Every State, we know what they want to do. They want to regulate, regulate, regulate, regulate.

Let us go back to the example. The Procter & Gambles, the GEs, the Teamsters, they are not regulating those plans. They have got some of the best benefits that they offer to their employees. Let us go back to your example of the dry cleaner. The dry cleaner does not have the actuary. He has got the regulator, the attorney general. What if all those dry cleaners in a State, the State of North Dakota, or all those dry cleaners from around the country in their national association came together and formed an association health care plan? Those employees at that local dry cleaner would have better benefits at more competitive prices than they could ever get in a State insurance risk pool.

What do we have to fear from giving those small employers and, more importantly, their employees the chance to come together to have the same kind of a plan that big companies and unions have today?

Mr. Speaker, I reserve the balance of my time.

Mr. ANDREWS. Mr. Speaker I yield myself the balance of my time.

I agree completely with the chairman that the number one issue on the health care agenda of this country is finding insurance for the 43, 44 million uninsured. I agree with him completely that it is a worthy project for this House to pursue. Long overdue. Usually it does not persuade me when you submit a list of people who are against a bill or for a bill, because I think each one of us has the obligation to make our own judgment about these matters, as each one of us should here.

At this point in the RECORD, by the way, I include the Mercer study to which I referred, the actuarial study to which I referred, and the letter from the Congressional Budget Office to which I referred.

[Prepared for: National Small Business United, June 2003]

IMPACT OF ASSOCIATION HEALTH PLAN LEGISLATION ON PREMIUMS AND COVERAGE FOR SMALL EMPLOYERS

(By Beth Fritchen, FSA, MAAA; and Karen Bender, FCA, ASA, MAAA, Mercer Risk, Finance & Insurance)

EXECUTIVE SUMMARY

National Small Business United (NSBU) engaged Mercer Risk, Finance & Insurance (Mercer) to analyze the "Small Business Health Fairness Act of 2003" (H.R. 660 and S. 545). This legislation would encourage the formation of federally certified Association Health Plans (AHPs) by exempting these plans from various state laws that govern health insurance sold to small employers today.

Proponents of H.R. 660 and S. 545 argue that federally certified AHPs would expand access to affordable health insurance for small employers and reduce the number of uninsured. Opponents believe the legislation would have the exact opposite effect—that is, it would cause premiums to rise and the number of uninsured to increase.

Mercer developed an actuarial model to assess how this legislation would affect premiums for small firms that purchase state-regulated coverage and firms that enroll in AHPs over a four year period as well as the impact on the number of uninsured.

The analysis concludes that federal AHP legislation would not alleviate the health insurance cost pressures faced by small employers. Rather, the proposed AHP legislation would have a detrimental impact on small employer premiums, especially for firms with high-cost workers, and would cause a significant number of small employers to drop coverage, thereby increasing the nation's uninsured population.

In brief, we found that once federal AHP legislation was fully implemented:

Health insurance costs would increase significantly for small businesses in the state-regulated insurance market. Health insurance premiums would increase by 23% for small employers that continued to purchase state-regulated coverage. This increase would result from AHPs' ability to attract healthier-than-average firms out of the state-regulated market. AHPs' exemption from mandated benefits would allow them to tailor products attractive to healthier populations. Moreover, exemption from state limits on premiums and marketing standards would allow AHPs to enroll healthier-than-average groups and encourage firms with high cost workers to switch back to the state-regulated market.

As AHPs attract small employers whose perceived health status is good, firms with greater expected health care utilization would remain in the state-regulated market, where they have the protection of mandated benefits and other requirements. The resulting outflow of low-cost groups from the state-regulated market and the remaining concentration of high-cost groups would start an adverse selection spiral that would accelerate premium increases for employers in the state-regulated market.

AHP legislation would increase, not decrease, the number of uninsured. The number of uninsured would increase by over 1 million as a result of coverage losses among workers in small firms and their dependents. As premiums for small employers in the state-regulated market increased, some firms would drop coverage and not switch to an AHP. Coverage declines would also result when groups covered by AHPs drop their coverage when their rates increase because someone in the group gets sick. While some of these groups would switch back to the state-regu-

lated market, others would drop coverage entirely.

Federal AHPs would gain a pricing advantage through risk-selection, not greater administrative efficiency. The modeling predicts that after four years premiums for AHPs would average 10% below that of the existing small group market. However, we expect these price reductions to result from favorable risk selection and exclusion of benefits rather than improved purchasing efficiency or lower administrative costs. AHPs could use a variety of techniques to select healthier-than-average firms—techniques available to AHPs because the legislation preempts key provisions of state law designed to prevent risk selection.

Specifically, under H.R. 660 and S. 545 AHPs could: charge firms with high-cost workers much higher premiums than permitted under state law; experience rate each association based on the risk of only their members; and offer pared-down products without benefits that would be needed or desired by higher-risk small employers. Together, these strategies would allow AHPs to offer the most attractive rates to healthy groups and avoid the cross-subsidies that state small employer health insurance reforms require.

Federal AHPs would insure the healthiest small employers. The modeling estimates that the average morbidity (a measure of whether a firm is "sick" or "healthy") of firms enrolling in AHPs would be 21% lower than the average morbidity of small employers in the market today. Further, as higher-cost small employers dropped coverage in response to rate increases resulting from the movement of healthy employers out of the state-regulated market, the average morbidity of the uninsured population would increase by 12.3%. AHPs would appeal most to firms with younger workers given the close correlation between age and health status.

Small employers would face higher premiums overall. Average small employer premiums (considering both cost increases for the state-regulated market and premium reductions for AHPs) would increase by 6%. Average premiums would increase because the size of the average premium increase for the population remaining in the state-regulated market (23%) would outweigh the smaller average premium decrease for those covered by AHPs (10%).

These results indicate that AHP legislation is not a solution to rising health care costs for small employers. While some firms obtaining coverage through AHPs may see lower premiums, firms with higher-cost employees would see their premiums increase. Overall, small employers would pay higher premiums and the uninsured population would increase if this legislation were enacted.

ASSOCIATION HEALTH PLAN BILLS NEED CHANGES: ACTUARIES FIND AHP LEGISLATION FLAWED

In a letter to members of Congress, the nonpartisan American Academy of Actuaries identified several serious concerns with the Small Business Health Fairness Act of 2003 (H.R. 660 and S. 545). The bills would amend the Employee Retirement Income Security Act to allow trade, industry, professional and similar associations to be sponsors of health insurance plans for their members. The Academy offered to work with proponents of the bills, which bill sponsors hope will expand the availability, affordability, and accessibility of health insurance coverage.

Karen Bender, M.A.A.A., chairperson of the Association Health Plan Work Group, said that while the legislation has merit and is

well intentioned, "we have serious concerns about some of the bills' provisions. As written, the bills are flawed and need significant rewriting to be actuarially sound and protect consumers."

Some of the concerns that the group has with the legislation are:

Risk of Insolvency—The proposed rules governing the minimum surplus requirements for an AHP does not account for the growth of the AHP. Similar organizations have become insolvent in the past. In response, most states enacted solvency standards. To maintain the benefit of such standards to consumers, the surplus standards should be similar to the minimum requirements for Health Risk-Based Capital developed by the National Association of Insurance Commissioners. The legislation also relies on reinsurance vehicles that do not currently exist in the market.

Unclear Regulatory Authority—AHP government regulation is not clearly defined in the law. Consumers, AHPs, and regulators may have no place to go for redress and guidance without clear regulatory authority.

Uneven Playing Field—The consequences of different rules for AHPs vs. state-regulated plans fragments the market, producing an uneven playing field in insurance coverage that will lead to cherry-picking, adverse selection, and increased costs for some individuals.

The House Committee on Education and the Workforce is considering the House bill, and the Senate bill has yet to be scheduled for committee consideration. For a copy of the letter, go to the Academy website at www.actuary.org, or call Tracey Young at 202-785-7872.

AMERICAN ACADEMY OF ACTUARIES,

April 28, 2003.

Hon. JOHN A. BOEHNER,

Chairman, House Committee on Education and the Workforce, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE BOEHNER: This letter presents the comments of the American Academy of Actuaries Association Health Plan Work Group regarding the Small Business Health Fairness Act of 2003 (H.R. 660 and S. 545). As you know, these bills would amend ERISA to establish a new "Part 8—Rules Governing Association Health Plans."

H.R. 660 and S. 545 are designed to expand access to affordable health insurance by promoting the use of Association Health Plans (AHPs). We support efforts to increase the availability, affordability, and accessibility of health insurance. While the goals of the legislation are laudable, the bills do not address the core problem, which is the high cost of health care. As currently written, the bills will likely have unintended negative consequences that would hinder the intent of the legislation.

Members of the American Academy of Actuaries are available to assist Congress in developing solutions to address the issue of small-employer health insurance reform.

EXECUTIVE SUMMARY

Some of the unintended negative consequences of the legislation and our related concerns are as follows:

Uneven Playing Field: The consequences of different rules for AHPs versus state-regulated insured plans is a fragmentation of the market resulting from an uneven playing field. This is likely to lead to cherry-picking, adverse selection, and increased costs for sicker individuals.

Risk of Insolvency: The proposed rules governing the minimum surplus requirements for AHPs do not account for the growth of the AHP. Historically, there have been many examples of AHP-like organizations becoming insolvent. Following such events, most

states enacted solvency standards. To maintain the benefit of these standards to consumers, the surplus standards should be similar to the minimum requirements for Health Risk-Based Capital (RBC) developed by the National Association of Insurance Commissioners (NAIC). Also, the bills at issue rely on affordable reinsurance vehicles that do not currently exist in today's marketplace.

Unclear Regulatory Authority: Governmental authority for regulating AHPs should be clearly specified. Absent this clarification, it is likely that nobody will be regulating AHPs or that there will be conflicting regulation. When regulatory authority is unclear, consumers have no place to turn for redress.

Unclear State Assessment Authority: The authority to levy assessments will depend on what governmental body has regulatory authority over AHPs. It should be clear what states are allowed to do with assessments generated by AHPs.

Actuarial Certification: The definition of a "qualified actuary" should require membership in the American Academy of Actuaries and should specify that the individual must have pertinent health actuarial expertise.

Other Concerns: Anticipated expense reductions are unlikely to materialize.

ISSUES CONTRIBUTING TO AN UNEVEN PLAYING FIELD AND SUBSEQUENT DESTABILIZATION OF THE SMALL-GROUP MARKET

Allowable Rating Practice Differences Contribute to an Uneven Playing Field Section 805(a)(2) requires that contribution rates must be nondiscriminatory with regard to individual participants. It also states that contribution rates for any participating small employer must not vary on the basis of any health status-related factor or the small employer's type of business or industry.

However, the term "contribution rates" is not defined. Clarification of whether this refers to a contribution by an individual within a small employer group or the rate an individual employer within an AHP pays is necessary. If this is intended to eliminate the possibility of varying rates for individual small employers by health status, there is a conflict in the language of the paragraphs that follow. The language states that nothing in the bill shall be construed to preclude an AHP from varying contribution rates for small employers to the extent allowed under the state for regulating small group insurance rates. Later in the legislation, it allows an AHP to choose a single state as its "applicable authority" and it need only follow the rating rules of that state for the nationwide plan. If an AHP chooses a state that has no restrictions on small group rates, it seems the limitation on varying contribution rates by health status is not enforceable, thereby resulting in cherry-picking.

This provision would permit an AHP to be exempt from small-group rating laws, which have been enacted by many states. The AHP could charge small employers with less healthy employees a higher rate than would be permitted for health insurers operating under the small-employer rating restrictions. The result would be that small employers whose employees are greater health risks are more likely to obtain coverage from the private health insurance market, where rates are limited, than through AHPs, who may not have the same limitations. State small group legislation sought to eliminate this sort of selection in the market by requiring health insurers to put all their small groups in one pool and to limit the premium charged to one employer relative to another. Introducing AHPs that are not required to adhere to the same rating rules brings selection back into the market.

The consequence will be that the rates for the two pools will diverge, causing further instability in an already fragile market.

Lower Solvency Standards Contribute to an Uneven Playing Field—State-regulated, non-AHP insured plans are subject to state solvency regulation. Ongoing surplus requirements are normally met by risk or profit charges within the premiums or contributions. While this may result in short-term premium savings for the AHPs, the inadequate contributions to surplus likely will contribute to AHP insolvencies, resulting in consumers and providers being responsible for unpaid claims.

Benefit Differences Contribute to an Uneven Playing Field—AHP groups, according to the bills, will be exempt from state mandated benefits. Healthier groups are less likely to utilize mandates and, therefore are more likely to choose AHP coverage, while groups with higher health risks and higher utilization of these mandated services are more likely to remain in the traditional insured market, thus widening the gap between the two markets. Currently, both high and low utilizers are in the same insured pool and the cost for mandates is spread across a larger pool for a small incremental cost. Splitting the required mandates by market will lower the cost for some, but raise the incremental cost for others.

In summary, market destabilization is a likely result of the proposed AHP legislation, as currently written, because of the disparity in allowable rating practices and solvency standards, which would be compounded by benefit differentials. The only way to maintain a level playing field is to have a common set of rating rules and consumer protection laws for every entity, whether it is an insurance company, health maintenance organization (HMO), or a self-funded AHP.

SOLVENCY STANDARDS

Solvency standards should include both claim reserves and surplus requirements. The description of claim reserve requirements for AHPs in Section 806 of the bills seems adequate. The proposed rules governing AHPs should include ongoing requirements that are similar to the minimum requirements for Health Risk-Based Capital (RBC) developed by the National Association of Insurance Commissioners (NAIC). The start-up capital included in Section 806(b), "Minimum Surplus in Addition to Claims Reserves," does not adjust for future inflation or size of the AHP. Many states had similar minimum surplus requirements that became inadequate until they made legislative changes to increase minimums for inflation.

However, capital requirements also need to increase with the growth of AHP claim volume. Recognizing that capital requirements need to be tied to the size and risk profile of risk-bearing entities, states are now implementing the NAIC Health RBC formula. Under the Health RBC Underwriting Risk Factor, an approximation of surplus for many entities would be a minimum of eight percent to 10 percent of the total projected claims for the AHP during the year following the evaluation of such claims. The minimum surplus is adjusted to reflect the purchase of stop-loss reinsurance and other types of reinsurance.

While the requirements for claim reserves, surplus, and other factors may be adequate for the start-up phase of an AHP, they appear inadequate if the total annual claims volume of the AHP exceeds \$5 million to \$10 million (5,000 to 10,000 individuals). As the AHP gets larger, the total surplus requirement for solvency rises with claim volume. AHPs that provide coverage for employers in

higher-risk industries may have even larger surplus requirements. Such employers may not have higher initial claims, but due to higher employee turnover they may have higher claims in future years, necessitating larger surplus requirements.

ACTUARIAL CERTIFICATION

Section 806 of the bills provides for the certification of AHP solvency by a "qualified actuary." The work group wishes to stress the importance of defining that term as "an individual who is a member of the American Academy of Actuaries," and they further recommend that the definition be strengthened by requiring pertinent health actuarial expertise.

It is important that the definition of a "qualified actuary" should be "an individual who is a member of the American Academy of Actuaries." As the U.S.-based organization with primary responsibility for promoting actuarial professionalism, the Academy staffs and supports the Actuarial Standards Board (which promulgates actuarial standards of practice), the Committee on Qualifications (which develops qualification standards), and the Joint Committee on the Code of Professional Conduct (which develops and maintains standards of conduct for actuaries).

The Academy also staffs and supports the Actuarial Board for Counseling and Discipline (ABCD), which provides confidential guidance to actuaries on how to maintain high professional standards in their practices and investigates complaints that may be brought against them. Academy members who fail to comply with applicable professional standards are subject to public discipline up to and including expulsion from membership. Academy membership thus brings with it the obligation to comply with high standards of qualification, conduct, and practice, and we believe Academy members will satisfy that obligation when making the solvency certification required by Section 806.

Actuaries who are not members of the Academy, or one of the other U.S.-based actuarial organizations, are not subject to the professional standards and discipline process just described. Therefore, in a situation where a non-member actuary had issued a flawed certification of an AHP's solvency, the Academy would be unable to help monitor the situation.

APPLICABLE AUTHORITY

Section 812(a)(5) provides a definition for "applicable authority" that allows the U.S. Department of Labor (DOL) to delegate responsibility to enforce federal standards for AHPs to states in certain instances. However, this authority is not universal. The section provides for situations in which there is "joint authority," presumably between the state and federal levels. There are also situations in which the DOL has sole authority over an AHP and state jurisdiction is preempted.

These provisions create confusion about which regulatory entity has responsibility for oversight of the various functions of AHPs. We make note of the bills' recognition of the value of the expertise and resources currently in place at the state level. However, we are concerned that the current language will create situations similar to previously proposed legislation on Multiple Employer Welfare Arrangements (MEWAs) in which the scope of regulatory responsibility over such plans was unclear. As an example, Section 802 of the bills gives certification authority to the secretary of labor. It may be difficult for an individual department of insurance to monitor the certification status of AHPs operating within their state. It is crucial that the oversight responsibility re-

garding solvency standards be clear to avoid situations where AHPs fail because of confusion regarding what entity is to be monitoring and taking action when necessary.

There are a number of specific questions not answered by this language in the bills. For example, does the current language enable individual states to require AHPs operating within their boundaries to abide by all existing insurance regulations, including small-group rating laws and mandated benefits? Or is the scope of states' responsibilities limited to verifying the solvency of an AHP? Can the states require AHPs to meet minimum solvency standards required for insurance companies if those requirements are more stringent than those described in these bills? Thus, it is not clear that states would be willing to effectively regulate these entities if the exemptions are viewed as contrary to the intent of the state legislature.

Section 813(b)(2)(D) establishes that each AHP can identify a single state to act as its "applicable authority." This section further provides that the laws of this single state "supersede any and all laws of any other State in which health insurance coverage of such type is offered." Many states have devoted much time and many resources to developing requirements pertaining to rating, benefit coverage, and consumer disclosures that they believe serve the best interests of their citizens. However, this section would exempt AHPs from having to abide by these laws if the AHP has elected a different state to act as its "applicable authority." This could result in AHPs "shopping" for the state perceived to have the least oversight, effectively negating the existing health insurance laws in most states. In some states with small employer regulations that significantly increase the cost of health insurance, all of the small employers could migrate to AHPs, resulting in federalization of the state's small group market.

In addition to rating and benefit regulations, provider and claim payment laws add further complexity to this issue. These include, but are not limited to: any willing provider laws, prompt payment rules, privacy and patient protection laws, and regulations regarding assignment of claims.

The work group is concerned that by dividing the oversight responsibilities between the state and federal governments, confusion will result regarding which entity has authority over which function. The end result could be either overregulation to the point that AHPs cannot operate, or underregulation. When regulatory authority is unclear, consumers have no place to turn for redress.

STATE ASSESSMENT AUTHORITY

Section 811 of the legislation allows states to impose assessments on AHPs based on the amount of premiums or contributions received from employers and employees who make up the plan. Many states use assessments to subsidize "high-risk" pools for uninsured individuals. However, it is questionable whether a state would have the authority to levy such assessments if it defers to the DOL to regulate its AHPs or if a multi-state AHP is domiciled in another state's jurisdiction.

The states also may have problems enforcing the provision, given the requirement that such assessment "is otherwise non-discriminatory . . ." Section 811 provides that the rate of the assessment cannot exceed premium taxes paid by health insurers or HMOs. In most states, HMOs are not taxed or pay a lower tax than health insurance companies. AHPs might argue that imposing an assessment based on the premium tax rate applied to a health insurer would be discriminatory if a lower rate or no premium tax was applied to HMOs. The work group

recommends that the legislation clearly delineate where assessment authority will be placed, at the state or federal level, and what the provisions of the assessments will be.

OTHER CONCERNS

Expense reductions are not likely to materialize. Administratively, each employer group will require the same amount of underwriting, enrollment, mailings, and customer support as they currently do in the small group insurance market. It is unlikely that the AHPs will have more buying power than the insurers that represent small employers today.

CONCLUSION

The work group supports efforts to expand access to health insurance. However, H.R. 660 and S. 545 can have many unintended negative consequences. These include: An unlevel playing field, leading to market destabilization and higher rates for sicker individuals; potential AHP insolvencies, resulting in unpaid claims for consumers and providers; unclear regulatory responsibility; unclear directives relating to assessments; and a promise of expense reductions that are unlikely to materialize.

Again, members of the American Academy of Actuaries are available to assist Congress in developing solutions to address the issue of small-employer health insurance reform. If you or your staff would like additional information or assistance, please feel free to contact Holly Kwiatkowski, the Academy's senior health policy analyst (federal), by phone at (202) 223-8196 or by e-mail at kwiatkowski@actuary.org.

Sincerely,

KAREN BENDER,

Chairperson.

Other Academy members contributing to this letter are: Michael S. Abroe, FSA, MAAA; David J. Bahn, FSA, MAAA; Jennifer J. Brinker, FSA, MAAA; Michael L. Burks, MAAA; James E. Drennan, FSA, MAAA, FCA; Richard M. Niemiec, MAAA; Donna C. Novak, ASA, MAAA, FCA; John R. Parsons, MAAA, FCA; John J. Schubert, ASA, MAAA, FCA; David A. Shea, Jr., FSA, MAAA; Mark Wernicke, FSA, MAAA; and Jerome Winkelstein, FSA, MAAA.

U.S. CONGRESS,

CONGRESSIONAL BUDGET OFFICE,

Washington, DC, June 18, 2003.

Hon. GEORGE MILLER,

Senior Democratic Member, Committee on Education and the Workforce,

House of Representatives, Washington, DC.

DEAR CONGRESSMAN: This letter responds to your request of June 17, 2003, for additional information on CBO's estimate of the impact of H.R. 660 on enrollment in the health insurance markets for small employers and self-employed workers. We expect that the effects of the bill would be fully reflected in those markets by 2008, and all of the following numbers refer to that year.

Under current law, CBO estimates that approximately 30.1 million people will be enrolled in health insurance offered by plans in the state-regulated small group insurance market. Under the bill, CBO estimates that combined enrollment in state-regulated plans and association health plans (AHPs) would rise by about 550,000 people to a total of 30.7 million people. Of this, approximately 23.2 million people would retain coverage in the state-regulated market. About 7.5 million people would be enrolled in AHPs, including the additional 550,000 people who would not have been covered by any small-employer plan under current law, and 6.9 million people who would have been covered in the state-regulated market.

The same considerations apply to self-employed people. We estimate that approximately 4.7 million people will be enrolled in

state-regulated coverage purchased by self-employed workers under current law. Under H.R. 660, CBO estimates that combined enrollment through state-regulated insurers and AHPs would rise by about 70,000 people to 4.8 million people. Of this, approximately 3.8 million people would retain state-regulated coverage. About 1.0 million people would obtain coverage through AHPs, including the additional 70,000 people who would not have been insured under current law, and 0.9 million people who would have been covered in the state-regulated market.

If you would like additional information on this estimate, the CBO staff contact is Stuart Hagen, who can be reached at 225-2644.

Sincerely,

DOUGLAS HOLTZ-EAKIN,

Director.

There is a reason that it is not just Democratic Governors but Republican Governors who object to this bill. There is a reason why Democratic and Republican attorneys general object to this bill, why Democratic insurance commissioners and Republican insurance commissioners object to this bill. It does not work. What it does is offer a Faustian bargain, where people give up their guaranteed protection for breast cancer screenings, care for OB-GYN services, care for diabetics. They give that up. They leave it to the whim of the insurance industry. What they get for it is not lower premiums and more people insured, but you get more uninsured.

The actuaries have concluded that 1 million people will be added to the rolls of the uninsured by this bill. Outside experts who do not favor either side in a partisan sense have concluded that 1 million persons will be added to the ranks of the uninsured by this bill. The insurance commissioners, the attorneys general and the Governors of both parties throughout the country do not object to this bill because they have some turf desire to regulate. They object to this bill because it presents an unworkable situation where insurance companies will fail, where creditors will not be paid, where people depending upon insurance will not be insured, and we will have the chaos that we had some years ago under the multiple employer welfare associations.

There is a better way to cover the uninsured. We will debate that better way in just a few minutes in the substitute that the gentleman from Wisconsin and I are putting forward. But we should not add to the ranks of the uninsured. It is our responsibility to offer a better alternative, and we do. But it is the responsibility of this entire House to join with Governors of both parties, 66 chambers of commerce, the National Association of Health Underwriters who perhaps best understand this, insurance regulators, attorneys general, and not turn to a gimmicky, insufficient solution to this problem. I urge defeat of the legislation.

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of my time.

We often have debates here in Congress about public policy and how to

change public policy. Many times the debates, once they get here, the perfect becomes the enemy of the good. We do not claim that the underlying bill is going to cover all of the uninsured and eliminate that problem, but we do think it is a giant step forward in helping the uninsured get access to high-quality health insurance at affordable prices.

Even the flawed study that my colleague has pointed to on a number of occasions, the CBO study which was flawed in a number of areas, says that 330,000 of the uninsured will in fact get health insurance. I think the number is far, far higher than that. I think we are talking about millions of Americans will have a chance at good health insurance. But let us say it is only 330,000, 330,000 families that would get coverage under this bill. I think that is a good step in the right direction.

Let me take an example of how this would work. Let us take a Realtor. We all know Realtors work all over the country. They are independent contractors. They have their own business. In many cases they are not employees of the firm that they work for, but they have to go buy an individual policy or family policy in a State insurance pool, the most expensive way to buy health insurance in America. In the case of Realtors, you could take the Ohio Association of Realtors, New Jersey Association of Realtors, maybe the National Association of Realtors, could put together a plan of maybe 5 or 6 choices, maybe 10 choices for their members all over the country. I will guarantee that those Realtors would have much better health insurance policies than they have today and the cost of that policy will be far more competitive than what they are paying in these State insurance pools.

This is a very good opportunity to help many small employers and their employees all across the country. We should not miss this opportunity.

Mr. CANTOR. Mr. Speaker, I rise today in support of three important initiatives we took this week to meet the uninsured crisis head-on and to address the rising costs of health care.

We have a crisis on our hands—over 40 million Americans are without health insurance. In addition, it is becoming increasingly difficult to not only obtain affordable health coverage, but to keep it—especially for America's small businesses.

According to the Associated Builders and Contractors, over 60 percent of the Nation's uninsured are small business employees. Small businesses are the backbone of our economy. We must ensure that we create an environment that allows these businesses access to affordable health care. If we do not address the issue, we will see more and more small businesses stop growing or close their doors. It is imperative, therefore, that we pass legislation creating Association Health Plans and legislation that allows families to roll-over money year-to-year from their Flexible Spending Accounts or into new Health Savings Accounts.

These two pieces of legislation will dramatically improve our Nation's health care climate,

especially for small businesses. More individuals and their employers will be able to afford health care; and in turn, we will see the health of Americans improve and the costs of health care decline.

The third piece of legislation addresses America's medical liability crisis. Physicians in Virginia and across the country are being forced to close their doors due to the astronomically rising costs of medical malpractice premiums.

On February 4, 2004, as many as 1,500 physicians from all over my State marched on the Virginia Capitol to make the case for common-sense medical liability from reform in the State legislature. Led by the Medical Society of Virginia, Virginia's White Coat Day march on Richmond was designed to educate state lawmakers on how doctors' skyrocketing malpractice insurance is limiting patients' access to medical care. Outrageous runaway jury awards are causing malpractice premiums to rise uncontrollably, and many doctors are being forced to raise prices or shut their doors. These higher costs are then passed on to working families and small businesses.

Not only should the Virginia legislature address this issue, but we as a Congress need to do the same. We need to take President Bush's lead in ending the jackpot payouts that our legal system encourages.

Mr. Speaker, we must pass these common sense reforms into law in order to help our Nation's uninsured and address the rising costs of health care. These are issues we cannot afford to ignore.

Mr. BLUMENAUER. Mr. Speaker, one of the most frustrating aspects of the way we run Congress today is an interest in scoring political points as opposed to solving problems. Nowhere is that more in evidence than the symbolic political acts surrounding healthcare this week in the House of Representatives.

We are in the midst of a healthcare crisis for the uninsured, for small businesses, and for practitioners. There is a complicated, interconnected fabric that provides healthcare in this country that includes insurance companies, HMO's, public agencies, Federal Government programs and the institutions that represent and train medical professionals. Advocacy groups, legal experts and consumers all have legitimate interests and something to say.

Sadly, the Republican leadership in the House of Representatives continues to be more interested in scoring political points than solving problems. Simply recycling the same flawed legislation, is clearly far less than our best effort and stands little likelihood of passage to the Senate, where similar legislation continues to languish.

These bills would undermine our efforts by insuring only the healthiest and wealthiest, leaving 511,000 uninsured Oregonians and tens of millions of Americans behind. Furthermore, the Association Health Plans proposals would exempt state solvency requirements, leaving the consumers at a significant risk.

If we were able to openly debate these proposals on the floor I know that the healthcare community would be well served because the majority of Congress does not want to short change it or our citizens. Most in Congress do not want to artificially restrict payments and are sincerely interested in making sure that Federal policy does not create or enhance abusive or distorted behaviors.

The most dramatic example would be fixing flawed funding. There is a gusher of money going to items far less important, far less essential to the American public, such as the unaffordable, unnecessary additional tax benefits to those who need help the least. It is time for the vast array of interests represented by the healthcare community and the people vitally dependent upon it to insist that the Republican Leadership stop the games. Everyone should commit to full, fair, honest debate in a more open legislative process. This is the only way we will enact cost effective legislation, and stop the funding abuses. We must stop holding legislation hostage, to another political agenda. I will continue to work with my healthcare community at home along with national groups and organizations to produce the type of process, discussion and legislation Americans critically deserve.

Mr. SANDLIN. Mr. Speaker, with nearly 44 million Americans lacking basic health care coverage, it is time to take action. Today, in a disingenuous public attempt to respond to the crisis of the uninsured, the Republican leadership has decided to spend the valuable time and limited resources of the American taxpayers debating Association Health Plan (AHP) legislation that has already been voted on in the 108th Congress.

The absolute irony, of course, is that instead of strengthening the health of our nation, AHPs will increase the ranks of the uninsured, increase the health insurance costs for small businesses that don't participate in AHPs and destroy consumer protections currently safeguarded by state regulations. Clearly, this is not sound policy.

Why are AHPs so bad? The creation of Association Health Plans will destabilize health insurance markets by forcing the state-regulated market and national AHP market to compete with each other. Few will benefit and most will suffer from this damaging division. Small businesses who choose to stay in the safer, state-regulated health insurance market will see their health insurance premiums skyrocket by 23 percent. The reality is that AHPs can offer lower premiums mainly because they offer fewer benefits—which is attractive to people in good health. With the AHPs siphoning off healthier people into their market, state-regulated insurers will be responsible for covering a larger proportion of people with higher health care costs. Rather than risk being spread out and absorbed by many, it is divided, thereby threatening the solvency and accessibility of the state-regulated insurance businesses.

Mr. Speaker, it is clear that Association Health Plans hurt American workers and their families. The lower costs available to small businesses opting into AHPs are simply not worth it when you consider the damaging strings attached. This legislation allows AHPs to pre-empt over 1,000 important state laws that States enacted to protect the basic health care needs of our communities. These laws include critically necessary benefits like mammographies, diabetes care, well-child visits, mental health services, and direct access to OB/GYN and pediatricians. Pre-empting state laws also allows AHPs to redline and reunderwrite insurance for higher risk people, allowing discrimination against consumers and causing insurance premiums to rise.

Employees will be further compromised by the lack of rights afforded to them under their

AHP policies. If consumers are denied important healthcare treatment, they will not be allowed an independent external review and/or Consumer Ombudsmen program as state consumer-protection laws regulate. Further, there are very weak protections against insolvency under the AHP program which means small employers, American workers and their families may be burdened with millions of dollars of unpaid claims, which is exactly what health insurance is supposed to insure against.

Finally, Mr. Speaker, it is worth noting that a recent study by Mercer and the National Small Business Association concluded that AHPs would swell the ranks of the uninsured to rise by more than one million people—an increase of 8.5 percent. This is because as premiums for small business employers in the state-regulated market increase, some firms would drop coverage. Further, businesses covered by AHPs might have to drop coverage if they are forced to pay new, higher premiums if someone in their group gets sick.

Mr. Speaker, it's hard to imagine why anyone would vote for such a flawed piece of legislation that would be devastating to American families. Sadly, the answer is clear: The Wall Street Journal recently said that a major business trade organization stands to reap more than \$100 million of annual revenue by selling AHP policies if H.R. 4281 is passed. Mr. Speaker, our constituents deserve better than this.

The fact is that there are clear alternatives. Yesterday, I introduced H.R. 4356, the Small Business Health Insurance Promotion Act. This legislation will provide immediate, concrete relief by securing affordable health insurance coverage for millions of self-insured individuals and employees of small businesses.

Mr. Speaker, as an incentive to provide coverage, the Small Business Health Insurance Promotion Act would make small businesses or self-employed individuals eligible to receive a 50 percent tax credit for four years to defray the cost of health insurance. The bill would also authorize funding to create state and national multi-insurer pools to provide comprehensive and affordable health insurance choices to small employers and the self-employed. Regardless of whether a business elected to enter the state or national pool consumers would be guaranteed quality coverage—coverage in each pool must be substantially similar to health benefits coverage offered in any of the four largest health plans in the Federal Employees Health Benefit Program (FEHBP). In this legislation, unlike in AHPs, important consumer protections would be safeguarded, the same coverage available to Members of Congress and other federal employees.

Forget the gimmick. Rather than offering up stale legislation which will hurt—not help—the health of our nation, let's take real action and pass sound coverage policies. Pass the Kind substitute, and take up the Small Business Health Insurance Promotion Act, as well as other new Democratic initiatives like the FamilyCare Act and the Medicare Early Access Act. Together these initiatives could provide health coverage to more than one-half of the 44 million uninsured Americans. Our American families deserve no less.

Mr. STARK. Mr. Speaker, I rise today to oppose H.R. 4281, the "Small Business Health Fairness Act of 2004." This bill would hurt small businesses and patients by increasing

the costs of health insurance and the number of uninsured.

If my comments today sound familiar, it is because they are almost exactly the same arguments I made last June, when this exact same bill passed the House. It was a bad idea then, and it is an even worse idea today. During this "Cover the Uninsured Week" the Republicans suggest association health plans can cover millions of uninsured Americans. In reality H.R. 4281 would actually add to the nearly 44 million uninsured in this country. This warmed over re-vote is a waste of time and taxpayer resources, and has nothing to do with providing affordable healthcare options to our citizens.

According to recent studies, association health plans would actually increase costs for most small businesses and their employees. Our own Congressional Budget Office has estimated that over 80 percent of small businesses would see increased premium costs under H.R. 4281. Those small employers that currently offer traditional, state-regulated health insurance would see their premiums increase by 23 percent on average. Premiums will increase because AHPs will offer only bare-bones coverage, attracting the healthiest individuals, leaving traditional health insurance plans with the sickest and most expensive patients. This shift would penalize businesses with sicker employees, and make health insurance even more unaffordable for those who need it most.

I am glad to see my Republican friends are concerned about the 43.6 million people in this country who lack health insurance. However, AHPs are not a real solution, and will actually add 1 million people to the continuously growing number of uninsured. As traditional health insurance becomes increasingly expensive, more and more businesses would have no choice but to drop health insurance for their employees, leaving these individuals with little or no opportunity to purchase health coverage.

Not only will this bill increase the number of uninsured, it will blatantly discriminate against small businesses with sicker employees—often those businesses with lower-income and minority workers. Because H.R. 4281 would allow AHPs to avoid state laws against cherry picking, these plans would only offer insurance to small businesses with the healthiest employees. Any premium reductions touted by the bill sponsors—at most a modest 10 percent reduction—would be a direct result of cherry-picking and reduced benefits, not greater efficiency. As healthy people move into AHP's skeletal coverage, sicker people are left without health insurance, increasing the morbidity of the uninsured population by over 12 percent.

Small businesses will not be able to provide more affordable health insurance to their employees under this bill. Although proponents claim that AHPs would give small-employers bargaining power to purchase affordable health insurance, most states already have laws in place that allow for group purchasing arrangements. This bill would harm existing State laws and usurp the traditional role of States to regulate small-employer health insurance.

This bill would also preempt key State provisions that protect millions of insured Americans. For example, many States regulate insurance premiums to prevent insurers from discriminating against the sick. But under this

bill, AHPs could offer extremely-low "teasers" rates, and then rapidly increase premiums if the enrollee becomes sick. Many small businesses would find these high rates unaffordable, and would be forced to drop coverage. Furthermore, nearly all States have enacted external review laws, which allow patients to have an independent doctor review a claim that has been denied by the insurer. Patients who join AFPs would lose this right.

Additionally, this legislation would be a setback to government efforts to reign in fraud and abuse. Association health plan exemptions in this bill are nearly identical to those Congress granted to multiple employer welfare arrangements (MEWAs) in the 1970s, which led to widespread fraud and abuse. These exemptions allowed MEWAs to rack up \$123 million in unpaid healthcare bills, and prompted the Department of Labor to open 90 fraud and abuse investigations. Congress recognized and corrected this problem, but now my Republican colleagues are ignoring the lessons of the past and are headed right back down the same dangerous road with AHPs.

Finally, this bill would exempt AHPs from state-required benefits, which have helped to ensure that millions of Americans get access to necessary healthcare services. These benefits include mammography screenings, maternity care, well-child care, and prompt payment rules. In my State, California, employees who join AHPs could also lose access to certain emergency services, direct access to OB/GYNs, mental health parity, and other important benefits.

The Democratic substitute offered today by Representatives ANDREWS and KIND is a real solution for providing small-businesses access to affordable health insurance. Using the \$50 billion President Bush included in his FY04 budget for the uninsured, this proposal would allow small businesses to buy-into a small employer health benefits plan (SEHBP). Republicans have been stammering for years about giving people the same insurance options as members of Congress and this substitute would do just that. The SEHBP would be substantially similar to the Federal Employers Health Benefits Plan (FEHBP) and millions of uninsured would finally have the same options we have as Members of Congress.

This association health plan bill is bad for patients, bad for small businesses, and bad for states. It is opposed by over 1,000 organizations, including the National Governors Association, local Chambers of Commerce, small business associations, physician organizations, labor unions, and healthcare coalitions. H.R. 4281 would increase premiums, increase the number of uninsured, lead to massive fraud, and remove key state patient protections. I urge my colleagues to reject this legislation.

Mr. JONES of Ohio. Mr. Speaker, I rise today in support of Small Businesses, and I am an advocate of Small Businesses providing quality health insurance to the men, and women, and the families of those who work for them. But, because I oppose H.R. 4281 that does not make me anti-Small Business, just like opposing the war in Iraq does not make me unpatriotic. What it makes me is an advocate for the truth and the facts. And the fact is that these association health plans would be exempt from almost all state consumer protection laws regarding benefits, premiums, and solvency. States are generally the primary reg-

ulators of health insurers, and assure appropriate access to health care, and protect against fraudulent marketing schemes. It is no wonder the National Governors Association, the National Conference of State Legislatures, and Consumer Unions oppose this legislation. This initiative would allow Associated Health Plans to engage in the cherry picking of the healthiest population nationwide. In Ohio, AHPs would not be required to provide basic mammography screening, direct access to OB-GYN's, mental health services, alcoholism treatment, and vital primary health care. In addition to not providing particular types of services, there would be no limitation on how frequently AHPs could increase an employee's premium to continue coverage. AHPs could then also vary their rates for older or sicker members of their plans. Establishing association health plans will not significantly reduce the number of uninsured Americans. The Congressional Budget Office estimates that while 4.8 million Americans would join association health plans; only 330,000 of them would come form the ranks of those currently uninsured. The remaining 4.5 million would simply switch from an existing health plan to an association health plan. These plans would discriminate against older and sicker Americans, putting an extra burden on those who rely on health plans, and forcing the state to provide coverage for those who may not otherwise find an AHP. I believe governmental authority for regulating AHPs should be clearly specified. Absent this clarification, it is likely that no one will be regulating AHPs, or there will be conflicting regulation. When regulatory authority is unclear, consumers have no place to turn for redress. If is for these reasons that I support Small Business and oppose this bill.

Mrs. BIGGERT. Mr. Speaker, I rise today in support of H.R. 4281, the Small Business Health Fairness Act.

Sixty percent of those who are uninsured are employed. Their employers either cannot afford to offer health insurance, or the premiums are so high, employees cannot afford to pay their share.

When small companies are allowed to band together, they can take advantage of the same economies of scale that large companies have enjoyed for years. The costs of insurance are spread out over a larger pool of individuals. By spreading the cost of insurance among a larger number of employees, we make health insurance affordable for working families.

The Congressional Budget Office has estimated that small businesses that participate in AHPs will save an average of 9 to 25 percent of their healthcare costs. CBO also concluded that AHP legislation would cover up to 2 million uninsured American workers, with no cost to the government.

It is simply not fair that individuals who work for a small business do not have the same access to healthcare that they would if they worked for a large corporation. I am proud to support this fair, common-sense bill and I urge my colleagues to do the same.

Mr. RUPPERSBERGER. Mr. Speaker, I rise in opposition to this bill because it will negatively impact my home state of Maryland. To paraphrase what was in Governor Ehrlich's letter to Chairman BOEHNER, this legislation will undue what the state of Maryland has worked so hard on for the past 10 years.

The rising cost of health care is a concern for all Americans. We need to find ways to

make sure that we help people reduce their healthcare cost. We need to find a way to provide insurance for the 44 million Americans without any coverage at all.

Association Health Plans has many benefits such as allowing a group of shared interest businesses and individuals to purchase health insurance at a group rate. However, what we should be working toward is a solution where everyone benefits. One of my concerns with Association Health Plans is one I also have with the prescription drug bill that is law. My concern is that AHP's will be able to skim off the healthiest individuals leaving those most in need without coverage. Also, the legislation would allow the AHP's to not comply with state health mandates.

I would be more supportive of tax credits for businesses to purchase health insurance and also allow for states to establish insurance pools like we have in Maryland. Again, we need to make sure the states and businesses have the tools to address this issue. We cannot have a forced federal mandate that will hurt what the state of Maryland has already done.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate on the bill has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. KIND

Mr. KIND. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Part B amendment in the nature of a substitute printed in House Report 108-484 offered by Mr. KIND:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Employer Health Benefits Program Act of 2004".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Establishment of Small Employer Health Benefits Program (SEHBP).

"PART 8—SMALL EMPLOYER HEALTH BENEFITS PROGRAM

"Sec. 801. Establishment of program.

"Sec. 802. Contracts with qualifying insurers.

"Sec. 803. Additional conditions.

"Sec. 804. Dissemination of information.

"Sec. 805. Subsidies.

"Sec. 806. Authorization of appropriations.

SEC. 2. ESTABLISHMENT OF SMALL EMPLOYER HEALTH BENEFITS PROGRAM (SEHBP).

(a) IN GENERAL.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding after part 7 the following new part:

"PART 8—SMALL EMPLOYER HEALTH BENEFITS PROGRAM (SEHBP)

"SEC. 801. ESTABLISHMENT OF PROGRAM.

"(a) IN GENERAL.—The Secretary shall establish, in accordance, with this part, a program under which—

"(1) qualifying small employers (as defined in subsection (b)) are provided access to qualifying health insurance coverage (as defined in subsection (c)) for their employees, and

“(2) such employees may elect alternative forms of coverage offered by various health insurance issuers.

“(b) QUALIFYING SMALL EMPLOYER DEFINED; OTHER DEFINITIONS.—For purposes of this part:

“(1) QUALIFYING SMALL EMPLOYER.—

“(A) IN GENERAL.—The term ‘qualifying small employer’ means a small employer (as defined in paragraph (2)) that—

“(i) elects to offer health insurance coverage provided under this part to each employee who has been employed by that employer for 3 months or longer; and

“(ii) elects, with respect to an employee electing coverage under qualified health insurance coverage, to pay at least 50 percent of the total premium for qualifying health insurance coverage provided under this part.

“(B) ELECTIONS.—Elections under subparagraph (A) may be filed with the Secretary during the 180-day period beginning with the first enrollment period occurring under section 803 and during open enrollment periods occurring thereafter under such section. Such elections shall be filed in such form and manner as shall be prescribed by the Secretary.

“(C) PART-TIME EMPLOYMENT.—Under regulations of the Secretary, in the case of an employee serving in a position in which service is customarily less than 1,500 hours per year, the reference in subparagraph (A) (ii) to ‘50 percent’ shall be deemed a percentage reduced to a percentage that bears the same ratio to 50 percent as the number of hours of service per year customarily in such position bears to 1,500.

“(2) SMALL EMPLOYER.—The term ‘small employer’ means, with respect to a year under the program, an employer who employed an average of fewer than 100 employees on business days during the preceding calendar year and who employs at least 1 employee on the first day of such year under the program.

“(3) SEHBP.—The term ‘SEHBP’ means the small employer health benefits program provided under this part.

“(C) QUALIFYING HEALTH INSURANCE COVERAGE.—For purposes of this part, the term ‘qualifying health insurance coverage’ means health insurance coverage that meets the following requirements:

“(1) The coverage is offered by a health insurance issuer.

“(2) The benefits under such coverage are equivalent to or greater than the lower level of benefits provided under the service benefit plan described in section 8903(1) of title 5, United States Code.

“(3) The coverage includes, with respect to an employee that elects coverage, coverage of the same dependents that would be covered if the coverage were offered under FEHBP.

“(4) (A) Subject to subparagraph (B), there is no underwriting, through a preexisting condition limitation, differential benefits, or different premium levels, or otherwise, with respect to such coverage for covered employees or their dependents.

“(B) The premiums charged for such coverage are community-rated for employees within any State and may vary only—

“(i) by individual or family enrollment, and

“(ii) to the extent permitted under the laws of such State relating to health insurance coverage offered in the small group market, on the basis of geography.

“(d) OTHER TERMS.—

“(1) HEALTH INSURANCE COVERAGE; HEALTH INSURANCE ISSUER; HEALTH STATUS-RELATED FACTOR.—The terms ‘health insurance coverage’, ‘health insurance issuer’, ‘health status-related factor’ have the meanings provided such terms in section 733.

“(2) SMALL GROUP MARKET.—The term ‘small group market’ has the meaning provided such term in section 2791(e)(5) of the Public Health Service Act (42 U.S.C. 300gg-91(e)(5)).

“(3) FEHBP.—The term ‘FEHBP’ means the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code.

“(e) TREATMENT OF PARTNERSHIPS AND SELF-EMPLOYED INDIVIDUALS.—For purposes of this part, and for purposes of applying section 3 to this part and to part 5 as it applies to this part, in any case in which qualifying health insurance coverage is, or is to be, provided under a plan, fund, or program to individuals covered thereunder—

“(1) if such plan, fund, or program is maintained by a partnership, the term ‘employer’ (as defined in section 3(5)) includes the partnership in relation to the partners, and the term ‘employee’ (as defined in section 3(6)) includes any partner in relation to the partnership; and

“(2) if such plan, fund, or program is maintained by a self-employed individual, the term ‘employer’ (as defined in section 3(5)) and the term ‘employee’ (as defined in section 3(6)) shall include such individual.

“SEC. 802. CONTRACTS WITH QUALIFYING INSURERS.

“(a) IN GENERAL.—The Secretary shall enter into contracts with health insurance issuers for the offering of qualifying health insurance coverage under this part in the States in such manner as to offer coverage to employees of employers that elect to offer coverage under this part. Nothing in this part shall be construed as requiring the Secretary to enter into arrangements with all such issuers seeking to offer qualifying health insurance coverage in a State.

“(b) CONTINUED REGULATION.—Nothing in this part shall be construed as preempting State laws applicable to health insurance issuers that offer coverage under this part in such State.

“(c) COORDINATION WITH STATE INSURANCE COMMISSIONERS.—The Secretary shall coordinate with the insurance commissioners for the various States in establishing a process for handling and resolving any complaints relating to health insurance coverage offered under this part, to the extent necessary to augment processes otherwise available under State law.

“SEC. 803. ADDITIONAL CONDITIONS.

“(a) LIMITATION ON ENROLLMENT PERIODS.—The Secretary may limit the periods of times during which employees may elect coverage offered under this part, but such election shall be consistent with the elections permitted for employees under FEHBP and shall provide for at least annual open enrollment periods and enrollment at the time of initial eligibility to enroll and upon appropriate changes in family circumstances.

“(b) AUTHORIZING USE OF STATES IN MAKING ARRANGEMENTS FOR COVERAGE.—In lieu of the coverage otherwise arranged by the Secretary under this part, the Secretary may enter an arrangement with a State under which a State arranges for the provision of qualifying health insurance coverage to qualifying small employers in such manner as the Secretary would otherwise arrange for such coverage.

“(c) USE OF FEHBP MODEL.—The Secretary shall carry out the SEHBP using the model of the FEHBP to the extent practicable and consistent with the provisions of this part, and, in carrying out such model, the Secretary shall, to the maximum extent practicable, negotiate the most affordable and substantial coverage possible for small employers.

“SEC. 804. DISSEMINATION OF INFORMATION.

“The Secretary shall widely disseminate information about SEHBP through the

media, the Internet, public service announcements, and other employer and employee directed communications.

“SEC. 805. SUBSIDIES.

“(a) EMPLOYER SUBSIDIES.—

“(1) ENROLLMENT DISCOUNT.—

“(A) IN GENERAL.—In the case of a qualifying small employer who is eligible under subparagraph (B), the portion of the total premium for coverage otherwise payable by such employer under this part shall be reduced by 5 percent. Such reduction shall not cause an increase in the portion of the total premium payable by employees.

“(B) EMPLOYERS ELIGIBLE FOR DISCOUNTS.—

A qualifying small employer is eligible under this subparagraph if such employer employed an average of fewer than 25 employees on business days during the preceding calendar year.

“(2) EMPLOYER PREMIUM SUBSIDY.—

“(A) IN GENERAL.—The Secretary shall provide to qualifying small employers who are eligible under subparagraph (C) and who elect to offer health insurance coverage under this part a subsidy for premiums paid by the employer for coverage of employees whose individual income (as determined by the Secretary) is at or below 200 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section) for an individual.

“(B) SUBSIDY SCALED ACCORDING TO SIZE OF EMPLOYER.—The subsidy provided under subparagraph (A) shall be designed so that the subsidy equals, for any calendar year—

“(i) 50 percent of the portion of the premium payable by the employer for the coverage, in the case of eligible qualifying small employers who employ an average of fewer than 11 employees on business days during the preceding calendar year;

“(ii) 35 percent of the portion of the premium payable by the employer for the coverage, in the case of eligible qualifying small employers who employ an average of more than 10 employees but fewer than 26 employees on business days during the preceding calendar year; and

“(iii) 25 percent of the portion of the premium payable by the employer for the coverage, in the case of eligible qualifying small employers who employ an average of more than 25 employees but fewer than 51 employees on business days during the preceding calendar year.

“(C) EMPLOYERS ELIGIBLE FOR PREMIUM SUBSIDY.—A qualifying small employer is eligible under this subparagraph if such employer employed an average of fewer than 50 employees on business days during the preceding calendar year.

“(b) EMPLOYEE SUBSIDIES.—

“(1) IN GENERAL.—The Secretary shall provide subsidies to employees of qualifying small employers in any case in which the family income of the employee (as determined by the Secretary) is at or below 200 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section) for a family of the size involved.

“(2) AMOUNT OF SUBSIDY.—Such subsidies shall be in an amount equal to the excess of the portion of the total premium for coverage otherwise payable by the employee under this part for any period, over 5 percent of the family income (as determined under paragraph (1) (A)) of the employee for such period.

“(3) COORDINATION OF SUBSIDIES.—Notwithstanding paragraph (1), under regulations of the Secretary, an employee may be entitled to subsidies under this subsection for any period only if such employee is not eligible for

subsidies for such period under any Federal or State health insurance subsidy program (including a program under title V, XIX, or XXI of the Social Security Act). For purposes of this paragraph, an employee is 'eligible' for a subsidy under a program if such employee is entitled to such subsidy or would, upon filing application therefore, be entitled to such subsidy.

"(4) **AUTHORITY TO EXPAND ELIGIBILITY.**—The Secretary may, to the extent of available funding, provide for expansion of the subsidy program under this subsection to employees whose family income (as defined by the Secretary) is at or below 300 percent of the poverty line (as determined under paragraph (1)).

"(c) **LIMITATIONS.**—For purposes of this section—

"(1) **RESTRICTIONS ON TREATMENT OF EMPLOYMENT RELATIONSHIP.**—Section 801(e) shall not apply.

"(2) **REQUIREMENT OF MULTIPLE EMPLOYEES.**—A small employer shall not be treated as a qualifying small employer with respect to an applicable year unless the employer employs at least 2 employees on the first day of such year.

"(d) **PROCEDURES.**—The Secretary shall establish by regulation applications, methods, and procedures for carrying out this section, including measures to ascertain or confirm levels of income.

"SEC. 806. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated, for the period beginning with fiscal year 2005 and ending with fiscal year 2014, \$50,000,000,000 to carry out this part, including the establishment of subsidies under section 805."

(b) **REPORT ON OFFERING NATIONAL HEALTH PLANS.**—Not later than 18 months after the date of the enactment of this Act, the Secretary of Labor shall report to Congress the Secretary's recommendations regarding the feasibility of offering national health plans under part 8 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, as added by subsection (a).

(c) **CLERICAL AMENDMENT.**—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 734 the following new items:

"PART 8—SMALL EMPLOYER HEALTH BENEFITS PROGRAM (SEHBP)

"Sec. 801. Establishment of program.

"Sec. 802. Contracts with qualifying insurers.

"Sec. 803. Additional conditions.

"Sec. 804. Dissemination of information.

"Sec. 805. Subsidies.

"Sec. 806. Authorization of appropriations."

The **SPEAKER** pro tempore. Pursuant to House Resolution 638, the gentleman from Wisconsin (Mr. **KIND**) and the gentleman from Ohio (Mr. **BOEHNER**) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. **KIND**).

Mr. **KIND**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all I want to recognize the gentleman from New Jersey for the fine work and the leadership that he has shown on such an important issue. This is an important issue.

It has been said that the definition of insanity is doing the same thing over and over again without any change in the result. Yet that is what we have been having this week in Congress, bills that have already been debated

and deliberated upon and voted upon last year coming back again for another kick at the can, which is fine. In an issue as important as this, I think it is important for the Congress to take a moment and start talking about the plight of small businesses and family farmers across the country who are suffering under rising health care costs and fearful of the inability of being able to provide coverage for their families or their employees because of the cost of insurance today.

This is such a fundamental and crucial issue if we want to be serious about economic growth, if we want to be concerned about the 43-million-plus uninsured that exist in this country. As I travel through my congressional district in western Wisconsin meeting with small business owners and their employees, meeting with family farmers, the number one, chief concern that they continuously raise is the expensive health care and accessing the quality system that exists in this country right now on an affordable basis.

It is a travesty that 20 percent of my dairy farmers in Wisconsin have no health coverage at all for themselves or their families, one of the more dangerous occupations in the entire country. It is a travesty that as I talk to small business owners who would like nothing better than to provide some health coverage for their employees, tell me that they cannot because they cannot afford it. In a country as great and as powerful and as wealthy as ours, we have got to do better and we have to get serious.

What we are about to talk about in the remaining minutes of the duration of this debate is there is a better way. The gentleman from New Jersey and I have drafted a substitute to what is being offered before the House today. It is one based in common sense, in reality in regards to what will work and what will not, what will extend coverage to the uninsured and what will not; what will bring more affordability to the health care system, to these small business owners, their employees and to our family farmers, and what will not.

Our bill is very simple. It is based on the Federal Employee Health Plan. It does establish national purchasing pools but it goes through State-licensed insurers so we do not have Federal preemption of State law over such crucial areas as cancer screening, whether it is mammograms, breast cancer, cervical cancer screenings, whether it is emergency care or maternity care, issues that the States have wrestled with with themselves and found it important enough to pass law on a State-to-State basis to provide coverage for these important services. And also to cover autism health care. I am proud that the State of Wisconsin is one of 17 that does mandate the coverage of autism health care for our citizens in the State, one that is exploding right now and very expensive for society. Health care experts and

those affected by autism, those families of autistic children, realize that the key to effective treatment is early identification. If we allow this AHP plan to pass, which preempts State law, that says, hey, insurers, you don't have to provide coverage even though the State of Wisconsin says this is the right policy to do, it is only going to exacerbate the system in this country in regard to effective autistic treatment for children in our communities.

That is what this debate is all about. It is a very simple, commonsense approach to dealing with what is a national crisis and, I view, a national emergency.

Rather than offering a piece of legislation where the American Academy of Actuaries, where Mercer has released a study indicating that it would increase rather than decrease the rolls of the uninsured by 1 million people, our substitute version that provides national purchasing options, that provides subsidy payments to employers with 50 or fewer employees in order to keep those health care premiums down and our ability to potentially extend health care coverage to the 43 million uninsured to an additional 33 million Americans, we think this is the best approach to take. This is not an issue about who supports small business or family farmers more or who is more concerned about the plight of the uninsured. This is about what will work and what will not work. That is why we have the National Governors Association, the Republican and Democratic Governors Association, the National Association of Attorneys General and Insurance Commissioners, over 1,000 organizations including 66 chambers of commerce who are saying that the majority AHP plan will not work. Not because they desire some power grab and to maintain their own State regulations, but because it is based on reality and an independent and objective study of what will and what will not work.

That is why I would hope that my colleagues, before they ultimately make up their mind and cast their vote today, that they have a chance to quickly look at the actuary study, to quickly look at the Mercer study and to pause before we embark upon a road that could potentially lead to another million uninsured in our society. Enough is enough.

□ 1500

We need to be going in the opposite direction rather than where I fear the AHP bill would go. The substitute that the gentleman from New Jersey (Mr. **ANDREWS**) and I are offering offers that hope and that potential to achieve that, and I would encourage my colleagues to support the substitute, vote "no" on the AHP bill, and let us move forward together on something that has the potential of working very well for small businesses and family farmers throughout the country.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE), one of the active members of our committee.

Mr. OSBORNE. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, I represent a district that is entirely rural and has nothing but small businesses in it. The number one complaint that I hear is about the cost of health insurance. These businesses employ more employees than all of the other industries in the country. They are the driving force behind it; and more and more of these individuals, as has been mentioned in the previous debate, are simply having to reduce or eliminate their health care coverage because it is going up 15, 20 percent every year and they simply cannot afford it.

I would like to give one personal example. I have a son-in-law who is managing a small franchise company, has 130 franchises in roughly 30, 40 States, and he says that this is the number one priority they have as far as health insurance, that if they could have an association of health plans, this would certainly cut their costs and enable them to maintain their health insurance at the present level.

So I realize that there are some problems with some of the States; but from my perspective and from what I have heard, I would say this is certainly a good bill. I appreciate the authors of the substitute. I think they are thoughtful people. I am sure they have done a good job at doing their homework, but at this point I would certainly have to oppose the substitute and support the underlying bill.

Mr. KIND. Mr. Speaker, I yield 3 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), a true champion of small business owners and their employees.

Mrs. CHRISTENSEN. I thank the gentleman for yielding me this time.

Mr. Speaker, this is Insure the Uninsured Week, and for me as a physician and Chair of the Health Brain Trust of the Congressional Black Caucus, ensuring health coverage to everyone is a priority every day.

And so I want to be very clear that I rise in strong support of providing small businesses and their employees access to high-quality health insurance that is truly affordable. That is why I oppose H.R. 4281, the Association Health Plan bill, and support the Kind-Andrews substitute.

We in the minority caucuses have spent a great deal of time looking at the issue of insurance, of how we can allow small business associations to come together to pool their purchasing power to buy quality health coverage at the lowest possible cost. We examined the AHPs. I did not originally sign on to the bill, but after a closer look at what it would do and as a physician who understands how important it is to do no harm, I removed my name from what I consider a harmful bill.

In H.R. 4281, the base bill, AHPs would be exempt from State insurance regulations and consumer protections. They would increase health care costs for most small business employees, cause premiums to rise for those outside of the AHP market, and eventually not lower, but increase, the number of uninsured in small business firms.

While AHP supporters will insist that this will not happen, by removing these important protections, the major harm this bill can do is too great a risk to take. We are talking about workers' health; we are talking about their lives. There is a better way to provide this insurance which will not harm, and that is the Kind-Andrews substitute. It would establish an employer health benefit plan similar to the Federal employees' health benefits, which would contract with state-licensed health insurers to offer an insurance package for employees of businesses of fewer than 100 employees.

Unlike the underlying bill, this better Democratic substitute will keep these small employer plans subject to State health insurance and consumer regulations and protections. It would provide small businesses and their employees access to high-quality health coverage; and by ensuring that the risk is spread, that everyone is included, not keeping sicker employees out, it keeps it truly affordable.

As a member of the Committee on Small Business since coming to this Congress, I am for helping small businesses. This substitute does that. H.R. 4281 will not.

I urge my colleagues to join the more than 150 organizations, including all of the prominent civil rights organizations, in opposing H.R. 4281. Instead, I urge them to vote for the Kind-Andrews substitute. Let us make sure we cover this important group who are over 60 percent of all the uninsured; and above all, let us do no harm.

Mr. BOEHNER. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, I would like to commend the gentleman from Ohio (Chairman BOEHNER) for his hard work on this very important legislation.

I rise in support of this commonsense legislation which will deliver quality health care to millions of Oklahomans. One of the greatest challenges the State of Oklahoma faces is our uninsured population. With 650,000 uninsured, Oklahoma ranks fourth in the number of uninsured across the country. This is a shocking statistic, an unacceptable situation; and today I am proud to take action to fix this problem.

Association Health Plans will allow small businesses to group together with their national trade associations to utilize their collective buying power when dealing with large insurance companies. AHPs will bring quality health care to Oklahomans covering

specific diseases, maternal and newborn hospitalization, and mental health. With the enactment of this legislation, up to 8.5 million uninsured Americans will gain coverage immediately.

Nationwide, 44 million Americans are uninsured; and 60 percent of those uninsured are employed by small businesses who will benefit. AHPs will cut an average of 13 percent, up to 25 percent, off insurance premiums.

This is smart legislation that will bring better health care to American families. It is time that 5th Avenue benefits find their way to shops on Main Street. I urge my colleagues to support this legislation.

Mr. KIND. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. ROSS), an expert in the health care field and one who does not want to embark upon a course of adding an additional 1 million people to the uninsured ranks.

Mr. ROSS. Mr. Speaker, in America we have 44 million people today without health insurance. We are the only industrialized nation in the world where people go without health insurance. And who are they? It is the folks that are trying to do the right thing and work. Unfortunately, they are working jobs with no benefits.

Nearly 80 percent of the uninsured are the working poor and often work in small businesses. They have jobs and are trying to do the right thing, but cannot afford a policy, an insurance policy, for themselves or for their families.

Each weekend as I go back home to Arkansas, I meet more and more small business owners, and I understand this because my wife and I are small business owners. We provide health insurance for our employees back home. And just as it is for us, I learn it is for so many small business owners across this Nation. They are struggling to be able to continue to afford the premiums, not only for their employees but for themselves as well.

Association Health Plans, quite frankly, are not the answer. It would do little to help the 44 million uninsured Americans. In fact, Mercer Consulting analyzed the Association Health Plans proposal and found that the number of the uninsured would increase by over 1 million as a result of coverage losses among workers in small firms and their dependents.

I support the Kind substitute that truly addresses the problem of the uninsured in this country. It is fully paid for. It will not preempt State law, and it offers meaningful and immediate help to small businesses.

The substitute legislation would create a Small Employer Health Benefits Plan similar to the Federal Employee Health Benefit Plan and would offer coverage to all small businesses with fewer than 100 workers.

This legislation works with existing State laws and does not preempt State laws regarding health care coverage.

Also, this legislation goes far beyond vague words and empty promises and actually commits Federal funds to aid small businesses in offering insurance to its employees by offering to help subsidize the cost of insurance for small businesses to the tune of 50 percent of the cost of the premiums.

I urge my colleagues to support the Kind substitute and oppose H.R. 4281.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

I believe that the underlying bill does, in fact, address the needs of many of our uninsured, and I am concerned about the substitute that we have before us. And I know that the gentleman from Wisconsin (Mr. KIND) and the gentleman from New Jersey (Mr. ANDREWS), my good friends from the committee, have worked hard on this. But I have to take issue with the comment that was just said that this commits the Congress to spend money. It does not.

There is a \$50 billion price tag on the substitute that we have before us, and all we do here is authorize it. It still has to go through the entire appropriation process, no guarantee that it is going to be appropriated; but even more troubling is that the substitute that is being offered would allow the Secretary of Labor to set up this national risk pool, but they would still be subject to every state-mandated benefit in each of the States, over 1,500 state-mandated benefits from one coast to the next. And on top of that, even if the Congress were to appropriate the money and the Secretary were to set up the plan, employers would still have to pay 50 percent of the premium cost, and they would have to cover every employee who was there as little as 3 months.

If we begin to look at how this plan would work, I think that the Members will find that it would actually be cheaper for those companies to get health insurance in their own States without this national bureaucracy.

But even more disturbingly, when we look at this substitute, it will not cover any of the self-employed individuals across the country, and whether they be Realtors, whether they be salesmen of some sort, small business people who operate by themselves, the self-employed, no coverage under this plan. Unlike under the underlying plan where if these self-employed people belong to some association, some State association, national association, local association, they would, in fact, be able to work through their associations to get high-quality coverage at competitive prices.

There has been a lot said about who is supporting the underlying bill and who is opposing the underlying bill. I have got pages and pages here of national associations and State associations that are supporting the underlying bipartisan bill. And I would remind my colleagues that this is the fourth time we have had this bill on the floor in the last 8 years, still wait-

ing for the other body to deal with it. All three times previously that this bill has been on the floor, it has passed with broad bipartisan majorities, and I would suspect today we will see the same benefit.

Mr. Speaker, I include in the RECORD the list of companies and associations that are supporting the underlying bill.

GROUPS SUPPORTING AHPS

Adhesive and Sealant Council
Air Conditioning Contractors of America
American Alliance of Service Providers
American Association of Advertising Agencies
American Association of Engineering Societies
American Association of Small Property Owners
American Composites Manufacturers Association
American Concrete Pumping Association
American Council of Engineering Companies
American Disc Jockey Association
American Electronics Association
American Furniture Manufacturers Association
American Institute of Chemical Engineers
American International Automobile Dealers Association
American Hotel and Lodging Association
American Lighting Association
American Nursery and Landscape Association
American Rental Association
American Road and Transportation Builders Association
American Small Businesses Association
American Society of Association Executives
American Society of Civil Engineers
American Society of Home Inspectors
American Society of Mechanical Engineers, Board on Member Interests & Development
American Textile Machinery Association
American Veterinary Medical Association
American Wholesale Marketers Association
AOMALLIANCE
Archery Trade Association
Associated Builders and Contractors
Associated General Contractors of America
Associated Prevailing Wage Contractors, Inc.
Association for Manufacturing Technology
Association of California Water Agencies
Association of Equipment Manufacturers
Association of Independent Maryland Schools
Association of Ship Brokers and Agents
Association of Suppliers to the Paper Industry
Automotive Aftermarket Industry Association
Automotive Aftermarket Association Southeast
Automotive Service Association
Automotive Undercar Trade Organization
Automotive Wholesalers Association of New England
Automotive Wholesalers Association of Texas
California Motor Car Dealers Association
California Society of CPAs
California/Nevada Automotive Wholesalers Association
Center for New Black Leadership
Central Service Association
Chesapeake Automotive Business Association
Cleveland Automobile Dealers Association
Club Managers Association of America
Christian Schools International
Coca Cola Bottlers Association
Communicating for Agriculture
Consumer Specialty Products Association
Deep South Equipment Dealers Association

Electronics Representatives Association Insurance Trust

Far West Equipment Dealers Association
Farm Equipment Manufacturers Association
Financial Executives International
Financial Planning Association
First Health Group Corporation
Food Marketing Institute
GrassRoots Impact
Hearth, Patio and Barbecue Association
Hispanic Business Roundtable
Independent Electrical Contractors
Independent Office Products & Furniture Dealers Association
Independent Stationers, Inc.
Institute of Electrical and Electronics Engineers—United States of America
International Association of Professional Event Photographers
International Foodservice Distributors Association
International Franchise Association
Iowa Automobile Dealers Association
Iowa-Nebraska Equipment Dealers Association
The Latino Coalition
Mason Contractors Association
Material Handling Equipment Distributors Association (MHEDA)
Metal Manufacturers' Education and Training Alliance
Midwest Automotive Industry Association
Midwest Equipment Dealers Association
NAMM, the International Music Products Association
National Association for the Self-Employed
National Association of Chemical Distributors
National Association of Community Health Centers
National Association of Convenience Stores
National Association of Home Builders
National Association of Manufacturers
National Association of Plumbing-Heating-Cooling Contractors
National Association of Realtors
National Association of Theatre Owners
National Association of Wholesaler-Distributors
National Association of Women Business Owners
National Automobile Dealers Association
National Black Chamber of Commerce
National Burglar and Fire Alarm Association
National Cattlemen's Beef Association
National Club Association
National Concrete Masonry Association
National Council of Agricultural Employers
National Federation of Independent Business
National Franchisee Association
National Funeral Directors Association
National Lumber and Building Material Dealers Association
National Newspaper Association
National Office Products Alliance
National Paint and Coating Association
National Portable Storage Association
National Precast Concrete Association
National Rental Association
National Retail Federation
National Restaurant Association
National Roofing Contractors Association
National Spa and Pool Institute
National Society of Accountants
National Society of Professional Engineers
National Sporting Goods Association
National Tile Contractors Association
National Tooling & Machining Association
National Utility Contractors Association
Nebraska New Car and Truck Dealers Association
New Mexico Automotive Parts and Service Association
New York State Automotive Aftermarket Association
North American Die Casting Association

North American Equipment Dealers Association
 North American Retail Dealers Association
 North Dakota Automobile and Implement Dealers Association
 Northeastern Retail Lumber Association
 Office Furniture Dealers Alliance
 Ohio Valley Automotive Aftermarket Association
 Outdoor Industry Association
 Piano Technicians Guild
 Precision Machine Products Association
 Precision Metalforming Association
 Printing Industries of America
 Printing Industries of Maryland
 Process Equipment Manufacturers' Association
 Professional Golfers' Association of America
 Professional Photographers of America
 Retailers Bakery Association
 Service Station Dealers of America and Allied Trades
 Self Insurance Institute of America
 Small Business Survival Committee
 Specialty Equipment Market Association (SEMA)
 Society of American Florists
 Society of the Plastics Industry
 Society of Professional Benefit Administrators
 Southern Equipment Dealers Association
 Southeastern Equipment Dealers Association
 Southeastern Farm Equipment Dealers Association
 Southwestern Association
 Snack Food Association
 Student Photographic Society
 Textile Rental Services Association of America
 The Association Healthcare Coalition
 Timber Operators Council Management Services
 Timber Products Manufacturers Association
 Tire Industry Association
 U.S. Chamber of Commerce
 U.S. Hispanic Chamber of Commerce
 U.S. Pan Asian America Chamber of Commerce
 Vermont Automobile Dealers Association
 Virginia Bankers Association
 Washington Area New Automobile Dealers Association
 Western Growers Association
 Women Impacting Public Policy
 Wisconsin Automobile & Truck Dealers Association

Mr. Speaker, I reserve the balance of my time.

Mr. KIND. Mr. Speaker, I yield myself 30 seconds.

With all due respect to the chairman of our committee, and I have great respect and admiration for him and I think he is well motivated with this underlying bill, but our bill does, in fact, cover self-employed. Under the definition of what constitutes an employer, an individual who is self-employed would also be covered. So I just wanted to clarify the record in that regard.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS), the co-author of our substitute bill before us.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

□ 1515

Mr. ANDREWS. Mr. Speaker, I would like to begin by thanking my coauthor, the gentleman from Wisconsin (Mr.

KIND), for what has now been more than a year of hard work on this effort, a very practical, commonsense solution that would not have been possible without him; and I thank him for his effort.

It is important to understand how this proposal works. If a small employer, and we define that as an employer with 100 or fewer employees, chooses, only if he or she chooses, they may enroll their employees in a plan that would operate similarly to the Federal Employees Health Benefit Plan. It would create the largest purchasing pool of small businesses ever in the history of the country. It would achieve the economies of scale that the majority attempts to achieve in the underlying bill. But there are some important differences.

The first difference is that we believe our plan would in fact save money for that employer. In my home State, a small business pays about \$12,000 or \$13,000 a year to insure an employee and his or her family. The average cost under the Federal Employees Health Benefit Plan is slightly over \$9,000. We believe a similar price reduction would occur by the option of joining this plan.

Secondly, under our plan, for very small employers, those with 25 and under, they would receive a 5 percent premium discount. That is to say, their premium would only be 95 percent of the premium paid by the others in the pool.

Thirdly, very small employers with a lot of low-income employees, those who are most likely to be uninsured, are offered additional subsidies that are drawn from the budget resolution passed by the majority. This fits within the majority's budget resolution.

So the first important difference is our version, our plan, would add to the rolls of the insured rather than subtracting from it the way the majority's plan would.

Second, under our plan, none of the protections that people enjoy, the right to a mammogram, the right to women's health services, the right to mental health services, guaranteed under State laws around the country, none of those rights would be lost or forfeited under our plan.

Third, the risks of insolvency, unpaid creditors, uninsured insurers that the majority's plan proposes, would be avoided here, because you would have a large plan under the regulatory jurisdiction of the Federal Government that would be solvent and would be prepared to meet its obligations because it is properly regulated.

This is a commonsense idea. We believe in pooling as well. Frankly, I think that the majority has half of a good idea. The idea of permitting small employers to pool their employees to get a better deal from the health insurance marketplace is a very good idea. The problem is that the majority's plan also includes the repeal and forfeiture of protections like mammo-

gram coverage, like diabetic care, like women's health services; and that is both unnecessary and undesirable.

Second, the majority's plan does not include any subsidies or special incentives for small business. A lot of small businesses in my State, even if you dropped the price of the coverage from \$12,000 to \$11,000 or \$10,000, could still not afford it. It does not do them any good.

Our plan, unlike the majority plan, puts some subsidy into this in the form of premium discounts for very small employers and even deeper discounts for small employers who hire many, many lower-compensated employees.

We have said a lot of critical things about the majority's plan because we believe they are right; but we also understand, Mr. Speaker, it is our responsibility to put forward a positive alternative. The work that the gentleman from Wisconsin (Mr. KIND) has done, that I am proud to join in, is such a positive alternative. It would offer real benefits in a meaningful way for the small business community of the country.

I would urge my colleagues to vote for its adoption.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, let us put some competition into the marketplace. We just have a proposal now that says we will have a government-subsidized program, and we all know where that will take us. The taxpayers will pay and pay.

Here is the problem: 50 percent of America has one insurer. That means you have a monopoly, and that is where we are getting 20, 30, and 40 percent increases annually, and businesses are straining. But when you only have one insurer, the new pharmacy plan, we have guaranteed everybody two. But in health care, over half of America have one.

Associated Health Plans would, I think, change the marketplace dramatically, because you would bring lots of competition to the marketplace. The monopolies would no longer rule. A lot of other companies that are not monopolies do not want health care either. Why? It is going to be competition. Whenever America is successful, we bring competition into the marketplace.

Yes, those monopolies are leaving community rating; yes, they are cherry-picking today. And State mandates are part of the problem, because 50 States have different mandates and we guarantee everybody gets a Cadillac plan. That means a lot of people cannot afford a plan at all, because you only can deliver a Cadillac plan. That is the system we have.

In rural areas, where monopolies exist, businesses, individuals and governments pay measurably more for

health insurance than neighboring counties. In my district, I have school districts and counties who will pay \$650 for a family plan. Two counties away they pay \$1,100 for the same insurance coverage under the current system. Why? Because there is no competition there.

Now, the hospitals, the doctors and providers under these monopolies get paid less too, because they have no bargaining power with the big insurance giants that are the monopolies.

The current system will change dramatically with Associated Health Plans, because, for the first time, all parts of America will have many people who they can purchase insurance from. Yes, maybe if I am a restaurateur, I will be part of a national restaurant association who has a plan tailored for restaurants.

I was a supermarket operator for 26 years. I probably, if I were back in that business, would have a plan that works well for super markets. But when you put them all in the same box, you put all kinds of employers in the same box, as we currently do with State mandates.

Let us give our businesses and our government service agencies choices. Let us give them Associated Health Plans, not another government-subsidized program. But let us turn the competitiveness of American ingenuity, and we will solve the uninsured problem in this country.

Mr. KIND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, this debate really is about two very distinct and different options: one that, again, through independent analysis and review, indicates could lead to an increase of 1 million more uninsured in this country, as opposed to the substitute that the gentleman from New Jersey (Mr. ANDREWS) and I are offering today; one that is based on reality and supported by a host of organizations throughout the Nation, including the Governors Association, the Attorneys General, and the insurance commissioners, those who work with this on a day-to-day basis and see the real impact it is having on real people in their individual States.

Our plan is simple. It also talks about establishing a national purchasing pool, but one working with state-licensed insurers, so we do not preempt State law and the judgment being made by State legislatures and local decisionmakers on what is or is not appropriate health care coverage in that particular State.

I am proud of many of the coverages that the State of Wisconsin has chosen to include under the State regulations. I am also proud of the fact that the State legislature and Governor are signing into law and setting up model programs of this purchasing pool concept in Wisconsin, allowing small business owners and family farmers to join cooperatives with a menu of health options, but under State regulation, not

exempting them and not preempting what the State has already done.

I have a feeling that that is going to work, and work very well, if the demand that exists from back home is any indication of the desire to enter into these pilot programs.

That is the identical version that the gentleman from New Jersey (Mr. ANDREWS) and I are offering and talking about today, allowing this purchasing pool concept to go forward under State law, so that important health care services and screening does not get preempted and lead to a diminution in the quality of care that citizens in States have come to expect and desire.

Why is this important? 44 million uninsured is a travesty and a blemish on our national character. It gets to the real root and basis of us and what we are all about as a Nation. Being able to access quality and affordable health care is something that affects all of us, from businesses large and small, from individuals to small business owners, to farmers, to us here in Congress; and the fear we see in constituents' eyes back home when they know they do not have health coverage for their families and their children, it is real.

And when they do not have coverage and they do get sick or they do get hurt, they still are able to access the health care system, just through more expensive means, typically through the emergency door. And those costs then are shifted on to private plans that do have coverage, which contributes to the rising premium expenses that are sweeping the Nation today.

So I think it is in our fundamental national interest to do what we can to make sure that the 43 million or 44 million currently uninsured receive coverage, so we have better preventive care up front, so the children of our Nation have a way to access the health care system, which can save us money and pay dividends in the long run.

I think this is an objective that we share in a bipartisan fashion, but it is one that I think can better be achieved through the Kind-Andrews substitute.

It is paid for within the budget resolution that the majority party has passed in this session of Congress. It does offer premium support payments to employees with 50 or fewer employees, because the gentleman from New Jersey (Mr. ANDREWS) is correct, even if we have some savings in premium expenses, your average small business employer probably is still prohibited from being able to access an insurance pool and being able to pick up the expense and providing coverage for their employees.

We are saying we can do better by offering them some of this premium price assistance to make it more affordable and to create the incentives so we have small business owners who I believe want desperately to be able to provide coverage, to be in a position to better afford that type of coverage.

This is what we need to try to achieve. This should be a dream we all

hold in this Congress. Because unless and until we fix this fundamental flaw in the health care system in our country, we are not going to see the robust job growth that we desperately need today. We are not going to see businesses, either large or small, anxious for additional hires for fear of incurring the additional health care expense. I think it is one of the reasons why we have not seen the explosion of job growth over the last couple of years, even though the administration has been fond of pointing to expanding economic conditions in this country. It is the health care system, and it needs to be addressed.

I think we desperately need to do it, and I think we have the opportunity today to make a significant step in that direction.

I would encourage my colleagues to vote "no" on the majority Associated Health Plan and support a real plan that can work for real Americans, the Kind-Andrews substitute.

Mr. Speaker, I yield back the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have great respect for my two committee colleagues, the gentleman from Wisconsin (Mr. KIND) and the gentleman from New Jersey (Mr. ANDREWS), and their thoughtful approach to bringing their substitute to the floor.

As the gentleman from Wisconsin (Mr. KIND) pointed out, there are some similarities here. We both create large pools of small employers in order to increase their purchasing power so that they can go into the marketplace like a large company or union and get as good a quality plan at a competitive price. But once you get beyond the big picture, that we are creating large pools in both the substitute and the underlying bill, there are a few differences.

The first difference I would say is that the underlying bill allows the private sector to create those large pools. Whether they be State associations, national associations, whatever, they will in fact create their own pools, while the substitute offered by the gentleman from Wisconsin (Mr. KIND) and the gentleman from New Jersey (Mr. ANDREWS) has the government creating this large pool.

Now, we all know when the government gets involved, it is just a matter of time before the government begins to believe, well, we have this large pool, we have got employers signed up in it, maybe we ought to require them to do X or Y or Z. I do not think anyone wants to take that risk.

Secondly, I would point out that the substitute pool will cost \$50 billion of taxpayer funds in order to set up and to provide subsidies, while the underlying bill has no Federal taxpayer money involved in it in any way, shape, or form.

I am a big believer that we need to do something to reach out to help the uninsured gain better access to high-quality, affordable health insurance. I

think the underlying bill does it. It has passed on a broad bipartisan basis on a number of occasions here in the House. I urge my colleagues here today to reject the Kind-Andrews substitute and support the underlying bill.

Mr. HOLT. Mr. Speaker, I rise in support of the substitute legislation offered by Mr. KIND and Mr. ANDREWS and in opposition to H.R. 4281.

Across this great nation, over 40 million people continue to lack adequate health insurance coverage. This is a problem that merits immediate Congressional action.

Moreover, small businesses across my district in central New Jersey come to me all the time, telling me how difficult it is to continue providing health care to their employees. I am glad that so many of them believe in providing good benefits to their workers, but I know they are really hurting.

Unfortunately, the House leadership is more interested in scoring political points than in helping small businesses continue to provide quality health care for their employees. The very fact that we are poised to pass a bill that is virtually identical to what we did here last June is a clear indication that we are here to play partisan games, not to find a real solution.

I hope my colleagues do not believe the hype we're hearing today. H.R. 4281 is not a realistic way to help small businesses with their health care costs.

It looks like a good idea at first glance. Under this bill, small businesses could join together to form "associations" that will leverage their collective buying power to get lower-cost health insurance for their employees.

I certainly support the concept of companies working together collectively to control costs. It's an idea that has worked within individual states.

That is why I urge my colleagues to vote for the Kind-Andrews substitute. This legislation commits actual federal funds—the \$50 billion allocated in the budget—to form Small Employer Health Benefit plans similar to our oft-cited Federal Employee Health Benefit plans. This would create a realistic, workable way for small businesses to use their collective buying power to lower costs and increase coverage.

Kind-Andrews would expand coverage for the uninsured and will help small businesses deal with the rising costs of insuring their employees. Moreover, it is fully paid for and will not preempt state law, maintaining the kind of minimum benefit levels that ensure quality coverage for beneficiaries and their dependents.

H.R. 4281, on the other hand, expands ERISA to preempt state law. States have traditionally taken the lead on insurance regulation, and they have implemented rules to protect beneficiaries and ensure minimum coverage levels. This bill would allow AHPs to avoid all of these regulations.

Most states require that any health plan cover some basic items such as mammograms, contraception, prostate cancer screenings, and many mental health services. H.R. 4281 would allow "associations" to avoid having to offer these basic benefits, to the detriment of policyholders.

For example, under this bill, I could create a plan that covers nothing but ingrown toenail surgery. It would certainly be the cheapest plan out there, but how much would it actually help beneficiaries?

Several of my colleagues and I tried to amend H.R. 660, the first iteration of the bill before us, in both subcommittee and full committee to ensure that AHPs would indeed have minimum benefit requirements. I offered one amendment requiring parity between physical and mental health benefits and another requiring coverage for oral contraception. Despite the fact that these common-sense minimum requirements are law in a number of states, my amendments were shot down by the majority.

So we're still left with a bill that brings a real possibility of the creation of comically inadequate health plans, which is rather disturbing.

What's even more alarming is the effect that this legislation will have on the overall health care environment.

The danger is, of course, cherry-picking. While AHPs may work well to help insure generally healthy, young people, the sickest of our population—those most in need of health care coverage—will be left with higher premiums. What kind of an effect will this have on our current health care environment? Could this actually take us farther away from covering the uninsured in this country? One study, in fact, said that AHPs would actually cause premiums to rise for the vast majority of small businesses and their employees.

Here's another important question. Exactly how many of the uninsured would get coverage from these new types of AHPs? CBO has estimated that about 8.5 million people might get coverage through the types of plans proposed under H.R. 4281. That sounds pretty good—until you realize that only 620,000 of them would come from the ranks of the uninsured, while the other 7.9 million would be in firms switching from traditional coverage. That means we'd be extending coverage to a miniscule fraction of the uninsured in this country.

The bottom line is that more than forty million Americans lack health insurance—a serious crisis that needs to be addressed. But H.R. 4281 won't do much good, and could very well make a bad situation even worse.

I urge my colleagues to oppose H.R. 4281 and vote for the Kind-Andrews substitute.

Ms. WOOLSEY. Mr. Speaker, as we once again celebrate Cover the Uninsured Week, I rise to support a sensible legislative proposal that will do just that: Cover the Uninsured.

I know that I've heard from constituents who wish they had the opportunity to purchase the same kind of high quality health insurance that we enjoy as Federal Employees. And they are right. The Federal Employee Health Benefits Program is an excellent model for effective health care coverage.

That's why I rise to proudly support the Kind-Andrews Substitute, which would give small businesses and their employees the opportunity to purchase coverage similar to ours.

The Small Employer Health Benefits Program created by this substitute would not ask employees to sacrifice the guaranteed coverage and protections provided by State law.

Small businesses and their employees would have real health coverage that provides them with access to the care they need—not sham insurance that serves only those who are healthy.

We've talked a great deal about how to expand health coverage to the uninsured this week, and I urge my colleagues to support their words with action by supporting this sensible substitute.

Mr. BOEHNER. Mr. Speaker, I yield back the balance of my time.

□ 1530

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 638, the previous question is ordered on the bill and on the amendment by the gentleman from Wisconsin (Mr. KIND).

The question is on the amendment in the nature of a substitute offered by the gentleman from Wisconsin (Mr. KIND).

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. KIND. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 193, nays 224, not voting 16, as follows:

[Roll No. 172]

YEAS—193

Abercrombie	Harman	Oberstar
Ackerman	Hastings (FL)	Obey
Alexander	Hill	Olver
Allen	Hinchey	Ortiz
Andrews	Hinojosa	Owens
Baca	Hoeffel	Pallone
Baird	Holden	Pascarell
Baldwin	Holt	Pastor
Ballance	Honda	Payne
Becerra	Hoolley (OR)	Pelosi
Bell	Hoyer	Peterson (MN)
Berkley	Inslee	Pomeroy
Berman	Jackson (IL)	Price (NC)
Berry	Jackson-Lee	Rahall
Bishop (GA)	(TX)	Rangel
Bishop (NY)	Jefferson	Rodriguez
Blumenauer	John	Ross
Boswell	Johnson, E. B.	Rothman
Boucher	Jones (OH)	Roybal-Allard
Boyd	Kanjorski	Ruppersberger
Brady (PA)	Kaptur	Rush
Brown (OH)	Kennedy (RI)	Ryan (OH)
Brown, Corrine	Kildee	Sabo
Capps	Kilpatrick	Sánchez, Linda
Capuano	Kind	T.
Cardin	Kleczka	Sanchez, Loretta
Cardoza	Lampson	Sanders
Carson (IN)	Langevin	Sandlin
Chandler	Lantos	Schakowsky
Clay	Larsen (WA)	Schiff
Clyburn	Larson (CT)	Scott (VA)
Conyers	Lee	Serrano
Cooper	Levin	Sherman
Costello	Lewis (GA)	Skelton
Crowley	Lipinski	Slaughter
Cummings	Loftgren	Smith (WA)
Davis (AL)	Lowey	Snyder
Davis (CA)	Lucas (KY)	Solis
Davis (FL)	Lynch	Spratt
Davis (IL)	Maloney	Stark
Davis (TN)	Markey	Stenholm
DeFazio	Marshall	Strickland
Delahunt	Matheson	Stupak
DeLauro	Matsui	Tanner
Deutsch	McCarthy (MO)	Tauscher
Dicks	McCarthy (NY)	Taylor (MS)
Dingell	McCollum	Thompson (CA)
Doggett	McDermott	Thompson (MS)
Dooley (CA)	McGovern	
Doyle	McNulty	
Edwards	Meehan	
Emanuel	Meek (FL)	
Engel	Meeks (NY)	
Eshoo	Menendez	
Etheridge	Michaud	
Evans	Millender	
Farr	McDonald	
Fattah	Miller (NC)	
Frank (MA)	Miller, George	
Frost	Mollohan	
Gephardt	Moore	
Gonzalez	Moran (VA)	
Gordon	Murtha	
Green (TX)	Nadler	
Grijalva	Napolitano	
Gutierrez	Neal (MA)	

NAYS—224

Akin	Gerlach	Nussle
Bachus	Gibbons	Osborne
Baker	Gilchrest	Ose
Ballenger	Gillmor	Otter
Barrett (SC)	Gingrey	Oxley
Bartlett (MD)	Goode	Paul
Barton (TX)	Goodlatte	Pearce
Bass	Goss	Pence
Beauprez	Granger	Peterson (PA)
Bereuter	Graves	Petri
Biggett	Green (WI)	Pickering
Bilirakis	Greenwood	Pitts
Bishop (UT)	Gutknecht	Platts
Blackburn	Hall	Pombo
Blunt	Harris	Porter
Boehlert	Hart	Portman
Boehner	Hastings (WA)	Pryce (OH)
Bonilla	Hayes	Putnam
Bonner	Hayworth	Quinn
Bono	Hefley	Radanovich
Boozman	Hensarling	Ramstad
Bradley (NH)	Herger	Regula
Brady (TX)	Hobson	Rehberg
Brown (SC)	Hoekstra	Renzi
Brown-Waite,	Hostettler	Reynolds
Ginny	Houghton	Rogers (AL)
Burgess	Hunter	Rogers (KY)
Burns	Hyde	Rogers (MI)
Burr	Isakson	Rohrabacher
Burton (IN)	Issa	Ros-Lehtinen
Buyer	Istook	Royce
Calvert	Jenkins	Ryan (WI)
Camp	Johnson (CT)	Ryun (KS)
Cannon	Johnson (IL)	Saxton
Cantor	Johnson, Sam	Schrock
Capito	Jones (NC)	Sensenbrenner
Carson (OK)	Keller	Sessions
Carter	Kelly	Shaw
Case	Kennedy (MN)	Shays
Castle	King (IA)	Sherwood
Chabot	King (NY)	Shuster
Chocola	Kingston	Simmons
Coble	Kirk	Simpson
Cole	Kline	Smith (MI)
Collins	Knollenberg	Smith (NJ)
Cox	Kolbe	Smith (TX)
Cramer	Kucinich	Souder
Crane	LaHood	Stearns
Crenshaw	Latham	Sullivan
Cubin	LaTourette	Sweeney
Culberson	Leach	Tancredo
Cunningham	Lewis (CA)	Taylor (NC)
Davis, Jo Ann	Lewis (KY)	Terry
Davis, Tom	Linder	Thomas
DeLay	LoBiondo	Thornberry
Diaz-Balart, L.	Lucas (OK)	Tiahrt
Diaz-Balart, M.	Manzullo	Tiberi
Doolittle	McCotter	Toomey
Dreier	McCrery	Turner (OH)
Duncan	McHugh	Upton
Dunn	McIntyre	Velázquez
Ehlers	McKeon	Vitter
Emerson	Mica	Walden (OR)
English	Miller (FL)	Walsh
Everett	Miller (MI)	Wamp
Feeney	Miller, Gary	Weldon (FL)
Ferguson	Moran (KS)	Weldon (PA)
Flake	Murphy	Weller
Foley	Musgrave	Whitfield
Forbes	Myrick	Wicker
Fossella	Neugebauer	Wilson (NM)
Franks (AZ)	Ney	Wilson (SC)
Frelinghuysen	Northup	Wolf
Gallegly	Norwood	Young (AK)
Garrett (NJ)	Nunes	Young (FL)

NOT VOTING—16

Aderholt	Hulshof	Scott (GA)
Deal (GA)	Israel	Shadegg
DeGette	Majette	Shinkus
DeMint	McInnis	Tauzin
Filner	Nethercutt	
Ford	Reyes	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1554

Ms. VELÁZQUEZ and Mr. SAXTON changed their vote from "yea" to "nay."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 172, I was attending to official business in my Congressional District, and I missed the vote. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MRS.

MCCARTHY OF NEW YORK

Mrs. MCCARTHY of New York. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. MCCARTHY of New York. Yes, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. MCCARTHY of New York moves to recommit the bill H.R. 4281 to the Committee on Education and the Workforce with instructions to report the same back to the House forthwith with the following amendment:

Page 13, insert after line 7 the following:

"(e) PROTECTION OF EXISTING GROUP HEALTH PLAN COVERAGE.—

"(1) IN GENERAL.—The requirements of this section are not met with respect to an association health plan if—

"(A) during the 1-year period preceding the date of the enactment of the Small Business Health Fairness Act of 2004, any participating employer of the plan maintained another group health plan providing a type of coverage described in paragraph (2), and

"(B) such association health plan does not provide such type of coverage.

"(2) TYPES OF COVERAGE.—A type of coverage is described in this paragraph if it consists of—

"(A) coverage for breast cancer screening and tests recommended by a physician,

"(B) coverage for the expenses of pregnancy and childbirth,

"(C) coverage for well child care, or

"(D) direct access to those obstetric or gynecological services which are provided by the plan.

"(3) PREDECESSORS AND CONTROLLED GROUPS.—For purposes of this subsection, a predecessor of an employer or any member of the employer's controlled group shall be treated as the employer. For purposes of this paragraph, the term 'controlled group' means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986.

Mrs. MCCARTHY of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The SPEAKER pro tempore. The gentlewoman is recognized for 5 minutes on her motion.

Mrs. MCCARTHY of New York. Mr. Speaker, this motion to recommit is very simple. The motion ensures that

the bill does not preempt State regulations regarding coverage for breast cancer, pregnancy and childbirth, and well-child OB/GYN services.

Mr. Speaker, this bill, the National Republican Governors Association, the Democratic Governors Association, they are all against it. Forty-one State Attorneys General are against it. There is a reason for that, going back many years ago, when the insurance companies were not giving health care insurance to those that would carry it.

Mr. Speaker, this bill undermines health care legislation in 48 States, including New York. As patients and advocates across the Nation quickly discovered that their basic health care needs were not being served by their insurance companies, they demanded the State step in and protect them.

Mr. Speaker, 48 States responded overwhelmingly and gave basic health care to their citizens. Today, we are undermining the State's efforts. Today, we are saying that basic health care does not matter.

As a nurse, my policy is "first do no harm." Mr. Speaker, this bill does harm to millions of patients across the country. Mr. Speaker, a reduction in health insurance in any form is a reduction in health care. It is just that simple.

Almost every State has recognized the need to cut down the cost of health care and still provide basic health care to their citizens. The States know that without guaranteeing basic health care patients will not get the health care they desperately need. They will only seek help when they are very sick, thus requiring much more expensive medical care for their diseases, putting their lives and the lives of their children at risk.

Let us just look at what it would mean for breast cancer, which is so high in New York State.

According to the American Cancer Society, over 211,000 new cases of breast cancer will be diagnosed in the United States this year. In my State of New York, there will be 2,000 new cases of breast cancer diagnosed alone. Breast cancer is a fatal, but eminently treatable, disease. However, early detection is the key to proper treatment of the disease.

Mammogram screenings are essential for the early detection of cancer. Timely screening can prevent approximately 15 to 30 percent of all deaths from breast cancer among women over the age of 40. Currently, New York and 48 States require insurance companies to cover mammogram screenings. However, under this bill associated health plans would be exempt from having to provide this critical benefit. This amendment would at least prevent a reduction of health care services to those who already have this benefit.

Preserving the coverage of mammogram screenings will help save the lives of our wives, our mothers, and

their daughters. I urge all of my colleagues to vote "no," and as I said earlier, the National Association of Governors, Democratic Governors, Republican Governors are against this legislation.

Mr. Speaker, I yield the balance of my time to my colleague, the gentlewoman from Wisconsin (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, I am pleased to join the gentlewoman from New York (Mrs. MCCARTHY) in offering this motion to recommit.

To protect the health benefits that women and children currently have today, we must not allow association health plans to deny necessary care for women and their children.

This motion to recommit stops association health plans from refusing to cover state-mandated health benefits for well-child care visits and maternity coverage or other types of care that is vital to our families. Children deserve a healthy start in life.

In Minnesota and 30 other States, children are guaranteed regular visits to their pediatricians to get the necessary care they deserve. Well-child care ensures that children get the vaccinations and immunizations that they need to protect themselves from preventable diseases like measles and mumps.

Regular doctor visits for newborns are absolutely critical. Thirty-three children are born every day with severe hearing loss. If caught early through preventative doctor visits, we can make a positive difference in the lives of our children, and we can save future dollars spent on special education.

Having early access to adequate health care can prevent illness, identify disabilities and reduce future health costs.

The motion we are offering ensures that families who have health coverage that protects the health of women and children today will not lose it tomorrow.

Today, we should be considering legislation to ensure quality comprehensive health care for our Nation's working families, not cutting basic benefits.

I urge my colleagues to support the motion to recommit and to protect important State laws that protect the health of women and children.

□ 1600

Mr. BOEHNER. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, AHPs that would self-insure are exempted from State insurance mandates exactly like large company plans and union plans all over the country. We all know that health insurance mandates drive up the cost of health insurance. When the cost of health insurance goes up for small employers, it is their employees who lose coverage.

The underlying bill attempts to help the 44 million Americans who do not have health insurance have a better chance of getting health insurance.

And small employers, just because of their size, should not be denied the right to group together to get a better-quality product at a more competitive price for their employees.

I urge my colleagues to reject the motion to recommit, the same motion to recommit this House rejected last year, and to support the underlying bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mrs. MCCARTHY of New York. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on the question of passage, if ordered, the motion to suspend the rules and pass House Joint Resolution 91, and adoption of House Concurrent Resolution 414.

The vote was taken by electronic device, and there were—ayes 196, noes 218, not voting 19, as follows:

[Roll No. 173]

AYES—196

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutsch

Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind

Klecza
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-
McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Oliver
Ortiz
Owens

Pallone
Pascarell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda
T.
Sanchez, Loretta

Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)

Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—218

Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggart
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocoma
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)

Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourrette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne

Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryan (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Souders
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Aderholt
Deal (GA)

DeGette
DeMint

Filner
Granger

Hulshof
Israel
Linder
Majette
McInnis

Meehan
Nethercutt
Reyes
Scott (GA)
Shadegg

Shimkus
Smith (MI)
Tauzin

McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)

Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns

Stenholm
Sullivan
Sweeney
Tancred
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Velazquez
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

Reyes
Scott (GA)

Shadegg
Shimkus

Smith (MI)
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1629

Mr. LEVIN, Mr. MOLLOHAN and Ms. KAPTUR changed their vote from “yea” to “nay.”

So the bill was passed.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 174, I was attending to official business in my Congressional District, and I missed the vote. Had I been present, I would have voted “no”.

The SPEAKER pro tempore. Pursuant to section 4 of House Resolution 638, the text of H.R. 4280 and H.R. 4281 will be appended to the engrossment of H.R. 4279; and H.R. 4280 and H.R. 4281 shall be laid on the table.

NAYS—162

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Chandler
Conyers
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Gephardt
Gordon
Green (TX)
Grijalva
Gutierrez
Hastings (FL)

Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hookey (OR)
Hoyer
Inslee
Jackson (IL)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Klecza
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loftgren
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender
McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar

Obey
Oliver
Ortiz
Owens
Pallone
Pascarell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

RECOGNIZING THE 60TH ANNIVERSARY OF THE SERVICEMEN'S RE-ADJUSTMENT ACT OF 1944

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the joint resolution, H.J. Res. 91.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the joint resolution, H.J. Res. 91, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 24, as follows:

[Roll No. 175]
YEAS—409

[Roll No. 174]
YEAS—252

Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Biggart
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello

Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunne
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart

Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh

ANSWERED “PRESENT”—1

Norwood

NOT VOTING—18

Aderholt
Deal (GA)
DeGette
DeMint

Filner
Granger
Hulshof
Israel

Majette
McInnis
Meehan
Nethercutt

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggart
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner

Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case

Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.

Dicks	Kildee	Pickering	Watt	Wexler	Woolsey	Coble	Hooley (OR)	Neal (MA)
Dingell	Kilpatrick	Pitts	Waxman	Whitfield	Wu	Cole	Hostettler	Neugebauer
Doggett	Kind	Platts	Weiner	Wicker	Wynn	Collins	Houghton	Ney
Dooley (CA)	King (IA)	Pombo	Weldon (FL)	Wilson (NM)	Young (AK)	Conyers	Hoyer	Northup
Doolittle	King (NY)	Pomeroy	Weldon (PA)	Wilson (SC)	Young (FL)	Cooper	Hunter	Norwood
Doyle	Kingston	Porter	Weller	Wolf		Costello	Hyde	Nunes
Dreier	Kirk	Portman				Cox	Inslee	Nussle
Duncan	Klecicka	Price (NC)				Cramer	Isakson	Oberstar
Dunn	Kline	Pryce (OH)	Aderholt	Granger	Nethercutt	Crane	Issa	Obey
Edwards	Knollenberg	Putnam	Berman	Green (TX)	Reyes	Crenshaw	Istook	Olver
Ehlers	Kolbe	Quinn	Cummings	Hulshof	Rodriguez	Crowley	Jackson (IL)	Ortiz
Emanuel	Kucinich	Radanovich	Deal (GA)	Israel	Scott (GA)	Cubin	Jackson-Lee	Osborne
Emerson	LaHood	Rahall	DeGette	Linder	Shadegg	Culberson	(TX)	Ose
Engel	Lampson	Ramstad	DeMint	Majette	Shimkus	Cummings	Jefferson	Otter
English	Langevin	Rangel	Diaz-Balart, M.	McInnis	Smith (MI)	Cunningham	Jenkins	Owens
Eshoo	Lantos	Regula	Filner	Meehan	Tauzin	Davis (AL)	John	Oxley
Etheridge	Larsen (WA)	Rehberg				Davis (CA)	Johnson (CT)	Pallone
Evans	Larson (CT)	Renzi				Davis (FL)	Johnson (IL)	Pascarell
Everett	Latham	Reynolds				Davis (IL)	Johnson, E. B.	Pastor
Farr	LaTourette	Rogers (AL)				Davis (TN)	Johnson, Sam	Payne
Fattah	Leach	Rogers (KY)				Davis, Jo Ann	Jones (NC)	Pearce
Feeney	Lee	Rogers (MI)				Davis, Tom	Kanjorski	Pelosi
Ferguson	Levin	Rohrabacher				DeFazio	Kaptur	Pence
Flake	Lewis (CA)	Ros-Lehtinen				Delahunt	Keller	Peterson (MN)
Foley	Lewis (GA)	Ross				DeLauro	Kelly	Peterson (PA)
Forbes	Lewis (KY)	Rothman				DeLay	Kennedy (MN)	Petri
Ford	Lipinski	Roybal-Allard				Deutsch	Kennedy (RI)	Pickering
Fossella	LoBiondo	Royce				Diaz-Balart, L.	Kildee	Pitts
Frank (MA)	Lofgren	Ruppersberger				Diaz-Balart, M.	Kilpatrick	Platts
Franks (AZ)	Lowey	Rush				Dicks	Kind	Pombo
Frelinghuysen	Lucas (KY)	Ryan (OH)				Dingell	King (IA)	Pomeroy
Frost	Lucas (OK)	Ryan (WI)				Doggett	King (NY)	Porter
Gallegly	Lynch	Ryun (KS)				Dooley (CA)	Kingston	Portman
Garrett (NJ)	Maloney	Sabo				Doyle	Kirk	Price (NC)
Gephardt	Manzullo	Sánchez, Linda T.				Dreier	Klecicka	Pryce (OH)
Gerlach	Markey	Sanchez, Loretta				Duncan	Kline	Putnam
Gibbons	Marshall	Sanders				Dunn	Knollenberg	Quinn
Gilchrest	Matheson	Sandlin				Edwards	Kolbe	Radanovich
Gillmor	Matsui	Saxton				Ehlers	Kucinich	Rahall
Gingrey	McCarthy (MO)	Schakowsky				Emanuel	LaHood	Ramstad
Gonzalez	McCarthy (NY)	Schiff				Emerson	Lampson	Rangel
Goode	McCollum	Schrock				Engel	Langevin	Regula
Goodlatte	McCotter	Scott (VA)				English	Lantos	Rehberg
Gordon	McCrery	Sensenbrenner				Eshoo	Larsen (WA)	Renzi
Goss	McDermott	Serrano				Etheridge	Larson (CT)	Reynolds
Graves	McGovern	Sessions				Evans	Latham	Rogers (AL)
Green (WI)	McHugh	Shaw				Everett	LaTourette	Rogers (KY)
Greenwood	McIntyre	Shays				Farr	Leach	Rogers (MI)
Grijalva	McKeon	Sherman				Fattah	Lee	Rohrabacher
Gutierrez	McNulty	Sherwood				Feeney	Levin	Ros-Lehtinen
Gutknecht	Meek (FL)	Shuster				Ferguson	Lewis (CA)	Ross
Hall	Meeks (NY)	Simmons				Flake	Lewis (GA)	Rothman
Harman	Menendez	Simpson				Foley	Lewis (KY)	Roybal-Allard
Harris	Mica	Skelton				Forbes	Lipinski	Royce
Hart	Michaud	Slaughter				Ford	LoBiondo	Ruppersberger
Hastings (FL)	Millender	Smith (NJ)				Fossella	Lofgren	Rush
Hastings (WA)	McDonald	Smith (TX)				Frank (MA)	Lowey	Ryan (OH)
Hayes	Miller (FL)	Smith (WA)				Franks (AZ)	Lucas (KY)	Ryan (WI)
Hayworth	Miller (MI)	Snyder				Frelinghuysen	Lucas (OK)	Ryun (KS)
Hefley	Miller (NC)	Solis				Frost	Lynch	Sabo
Hensarling	Miller, Gary	Souder				Gallegly	Maloney	Sánchez, Linda T.
Herger	Miller, George	Spratt				Garrett (NJ)	Manzullo	Sanchez, Loretta
Hill	Mollohan	Stark				Gephardt	Markey	Sandlin
Hinchey	Moore	Stearns				Gerlach	Marshall	Saxton
Hinojosa	Moran (KS)	Stenholm				Gibbons	Matheson	Schakowsky
Hobson	Moran (VA)	Strickland				Gilchrest	Matsui	Schiff
Hoefel	Murphy	Stupak				Gillmor	McCarthy (MO)	Schrock
Hoekstra	Murtha	Sullivan				Gingrey	McCarthy (NY)	Scott (VA)
Holden	Musgrave	Sweeney				Gonzalez	McCollum	Sensenbrenner
Holt	Myrick	Tancredo				Goode	McCotter	Serrano
Honda	Nadler	Tanner				Goodlatte	McCrery	Sessions
Hooley (OR)	Napolitano	Tauscher				Gordon	McDermott	Shaw
Hostettler	Neal (MA)	Taylor (MS)				Goss	McGovern	Shays
Houghton	Neugebauer	Taylor (NC)				Graves	McHugh	Sherman
Hoyer	Ney	Terry				Green (WI)	McIntyre	Sherwood
Hunter	Northup	Thomas				Greenwood	McKeon	Shuster
Hyde	Norwood	Thompson (CA)				Grijalva	McNulty	Simmons
Inslee	Nunes	Thompson (MS)				Gutierrez	Meek (FL)	Simpson
Isakson	Nussle	Thornberry				Gutknecht	Meeks (NY)	Skelton
Issa	Oberstar	Tiahrt				Hall	Menendez	Slaughter
Istook	Obey	Tiberi				Harman	Mica	Smith (NJ)
Jackson (IL)	Oliver	Tierney				Harris	Michaud	Smith (TX)
Jackson-Lee	Ortiz	Toomey				Hart	Millender	Smith (WA)
(TX)	Osborne	Towns				Hastings (FL)	McDonald	Snyder
Jefferson	Ose	Turner (OH)				Hastings (WA)	Miller (FL)	Solis
Jenkins	Otter	Turner (TX)				Hayes	Miller (MI)	Souder
John	Owens	Udall (CO)				Hayworth	Miller (NC)	Spratt
Johnson (CT)	Oxley	Udall (NM)				Hefley	Miller, Gary	Stark
Johnson (IL)	Pallone	Upton				Hensarling	Miller, George	Stenholm
Johnson, E. B.	Pascarell	Van Hollen				Herger	Mollohan	Strickland
Johnson, Sam	Pastor	Velazquez				Hill	Moore	Stupak
Jones (NC)	Paul	Visclosky				Hinchey	Moran (KS)	Sullivan
Jones (OH)	Payne	Vitter				Hinojosa	Moran (VA)	Sweeney
Kanjorski	Pearce	Walden (OR)				Hobson	Murphy	Tancredo
Kaptur	Pelosi	Walsh				Hoefel	Murtha	Tanner
Keller	Pence	Wamp				Hoekstra	Musgrave	Tauscher
Kelly	Peterson (MN)	Waters				Holden	Myrick	Taylor (MS)
Kennedy (MN)	Peterson (PA)	Watson				Holt	Nadler	Taylor (NC)
Kennedy (RI)	Petri					Honda	Napolitano	

NOT VOTING—24

Aderholt Granger Nethercutt
Berman Green (TX) Reyes
Cummings Hulshof Rodriguez
Deal (GA) Israel Scott (GA)
DeGette Linder Shadegg
DeMint Majette Shimkus
Diaz-Balart, M. McInnis Smith (MI)
Filner Meehan Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1636

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:
Mr. FILNER. Mr. Speaker, on rollcall No. 175, I was attending to official business in my Congressional District, and I missed the vote. Had I been present, I would have voted “yea.”

EXPRESSING SENSE OF CONGRESS
THAT ALL AMERICANS OBSERVE
THE 50TH ANNIVERSARY OF
BROWN v. BOARD OF EDUCATION
WITH A COMMITMENT TO CONTINUING AND BUILDING ON THE
LEGACY OF BROWN

The SPEAKER pro tempore. The pending business is the question on the concurrent resolution, H. Con. Res. 414, on which further proceedings were postponed earlier today.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the concurrent resolution on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 1, not voting 26, as follows:

[Roll No. 176]

YEAS—406

Abercrombie	Bilirakis	Burgess
Ackerman	Bishop (GA)	Burns
Akin	Bishop (NY)	Burr
Alexander	Bishop (UT)	Burton (IN)
Allen	Blackburn	Buyer
Andrews	Blumenauer	Calvert
Baca	Blunt	Camp
Bachus	Boehlt	Cannon
Baird	Boehner	Cantor
Baker	Bonilla	Capito
Baldwin	Bonner	Capps
Ballance	Bono	Capuano
Ballenger	Boozman	Cardin
Barrett (SC)	Boswell	Cardoza
Bartlett (MD)	Boucher	Carson (IN)
Barton (TX)	Boyd	Carson (OK)
Bass	Bradley (NH)	Carter
Beauprez	Brady (PA)	Case
Becerra	Brady (TX)	Castle
Bell	Brown (OH)	Chabot
Bereuter	Brown (SC)	Chandler
Berkley	Brown, Corrine	Chocola
Berry	Brown-Waite,	Clay
Biggert	Ginny	Clyburn

Terry	Upton	Weldon (PA)
Thomas	Van Hollen	Weller
Thompson (CA)	Velázquez	Wexler
Thompson (MS)	Visclosky	Whitfield
Thornberry	Vitter	Wicker
Tiahrt	Walden (OR)	Wilson (NM)
Tiberi	Walsh	Wilson (SC)
Tierney	Wamp	Wolf
Toomey	Waters	Woolsey
Towns	Watson	Wu
Turner (OH)	Watt	Wynn
Turner (TX)	Waxman	Young (AK)
Udall (CO)	Weiner	Young (FL)
Udall (NM)	Weldon (FL)	

NAYS—1

Paul

NOT VOTING—26

Aderholt	Hulshof	Rodriguez
Berman	Israel	Sanders
Deal (GA)	Jones (OH)	Scott (GA)
DeGette	Linder	Shadegg
DeMint	Majette	Shimkus
Doolittle	McInnis	Smith (MI)
Filner	Meehan	Stearns
Granger	Nethercutt	Tauzin
Green (TX)	Reyes	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1643

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 176, I was attending to official business in my Congressional District, and I missed the vote. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 4200, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of May 17 to grant a rule which could limit the amendment process for floor consideration of H.R. 4200, the National Defense Authorization Act For Fiscal Year 2005. The Committee on Armed Services ordered the bill reported yesterday, May 12, and is expected to file its report in the House tomorrow, May 14.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in Room H-312 of the Capitol by 5 p.m. on Monday, May 17.

Members should draft their amendments to the text of the bill as reported by the Committee on Armed Services which should be available tomorrow for their review on the Web site of both the Committee on Armed Services and the Committee on Rules.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the

most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to the distinguished majority leader for the purposes of informing us of the schedule for the week to come.

Mr. DELAY. Mr. Speaker, I thank the gentleman from Maryland for yielding to me.

Mr. Speaker, I would like to make all the Members aware that the House has completed voting for the day and the week.

Regarding next week's schedule, the House will convene on Monday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of this week. Any votes called on these measures will be rolled until 6:30 p.m.

For Tuesday and the balance of the week, we may consider additional legislation under suspension of the rules. We also plan to consider several bills that would amend the Occupational Safety and Health Act of 1970: H.R. 2728, the Small Business Day in Court Act; H.R. 2729, the Review Commission Efficiency Act; H.R. 2730, the Independent Review of OSHA Citations Act; and H.R. 2731, the Small Employer Access to Justice Act. In addition, we expect to consider H.R. 2432, the Paperwork and Regulatory Improvements Act; and H.R. 4200, the National Defense Authorization Act For Fiscal Year 2005.

Finally, I would like to make all Members aware that we plan to consider H.R. 4359, the Child Credit Preservation and Expansion Act, which would make the full \$1,000 per child credit permanent and expand the number of families eligible for the credit.

I will be happy to answer any questions the gentleman may have.

Mr. HOYER. On the last issue, the Child Credit Preservation and Expansion Act to which the gentleman referred, and he indicates that it will expand the number of families eligible for the credit, we had discussed this last week. Am I correct in presuming that that means that those under \$26,000 will be covered as well as those over \$26,000. As was the case with the Senate amendment that came over to the House?

Mr. DELAY. I really hesitate to comment on what the content of the bill will be as we bring it to the floor next week. My understanding, as I have been advised, is the child tax credit that was to be given in 2006 will be accelerated to 2005, so that should cover the gentleman's concerns.

□ 1645

Mr. HOYER. Mr. Speaker, reclaiming my time, if it does we will be pleased, and I presume the Senate would be ready to approve that, assuming that it is paid for.

Under the procedures of these bills, in terms of the OSHA legislation and the paperwork reduction, can the gentleman tell us under what procedures they will be considered, and will substitute amendments be allowed?

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman's yielding.

The chairman of the Committee on Rules has just made announcements for the four OSHA bills, the regulatory accounting bill, and I believe the DOD authorization bill. So on these I believe the Committee on Rules is inclined to make multiple amendments in order for those bills.

Mr. HOYER. I am sorry. Declined or inclined?

Mr. DELAY. Inclined.

Mr. HOYER. I thank the gentleman. I was not quite sure whether it was an "in" or a "de."

Mr. DELAY. Mr. Speaker, will the House be in order? The gentleman cannot hear.

Mr. HOYER. The articulation I missed. That was the problem.

With respect to the budget, do we expect to see a budget next week? It is not on the list, and I know we have been waiting with bated breath for many weeks now for the budget, as has the leader. Can the leader comment on the status of the budget?

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I know the gentleman has been waiting with bated breath, and I know he checks every day to see the status of the budget, and I appreciate his concern for getting this budget to the floor. I wish I had more news than I did last week. There continues to be discussions between the two bodies, and I hope and expect to have a conference report ready for the House to consider sometime next week.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information. Clearly, all of us know that the pay-as-you-go provision has been apparently the stumbling block in the reaching of an agreement between the two Houses. There was, as I understand it, our expectation was that there would be a freestanding bill coming to the floor on the pay-go issue. Can the leader tell us whether that is still contemplated or whether we might see that at any time in the near future?

I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman's yielding. Yes, we do have a bill that was marked up in the Committee on the Budget that we are looking forward to considering in

the near future. There has been a lot of discussion about that bill. The process by which we would consider it has been widely discussed. However, I believe that the chairman of the Committee on the Budget would prefer to wait until the budget resolution conference report has been completed and passed before we consider that bill. So it is very difficult for me to give the gentleman any sort of time frame, but as soon as the budget is passed, I think we can anticipate within a matter of weeks the Budget Enforcement Act coming to the floor.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information.

If one assumes that perhaps we do not adopt a budget resolution, would it still be the intent of the majority to bring forth an enforcement bill, the one that has been considered in committee, or is it a condition for that bill coming to the floor that the budget pass?

I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman's yielding. I just speak for this gentleman that I would like to see a Budget Enforcement Act come to this floor. I think it is vitally needed for fiscal discipline in this Congress, and I would anticipate, whether the budget passes or not, that we would see a budget enforcement bill come to the floor.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information. I share his view on that issue that whether or not we have a budget or not, the enforcement bill ought to come to the floor.

Can I ask him another question about that particular bill? Would the gentleman know or be inclined to assure us that we would have an alternative? As he knows, the dispute on the pay-as-you-go is whether it affects taxes as well as spending. We believe that is a very substantive issue that ought to be considered and voted upon by all the Members. Would the majority leader be inclined to ensure that that alternative will be in order for us to offer at the time, if it is not included in the bill that is reported out of committee, at the time it is considered on the floor?

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman's yielding to me.

I think it is way too early in the process on this particular bill to be talking about even process or amendments or substitutes or even trying to speculate what the Committee on Rules would do. We do not even know what form the bill would come out of the Committee on Rules at this particular time. There is a lot of work that is being done on the bill. But I can assure the gentleman that we would give his side of the aisle every consideration for amendments and/or substitutes to this very important bill.

Mr. HOYER. Mr. Speaker, I thank the leader for that representation.

Lastly, Mr. Speaker, we passed some weeks ago the transportation reauthorization bill. I think both sides feel that is a critical piece of legislation. We have noted that there seems to be some disagreement between the White House and the House and the Senate on this piece of legislation, but we are very concerned that it has not moved forward. We believe that this is, as the gentleman knows, the single most important piece of jobs legislation that we have under consideration by this Congress. And I am wondering if he can give us some thought as to when that bill may come to the floor and under what form it will come to the floor. We would very much like to see it on the floor, and we think, frankly, that given the votes on the bill as it passed the House, with well over 300 voting for it and with a very substantial vote in the other body, that clearly we have the votes to pass a bill, whether it is at 275, 318, or, frankly, the gentleman from Alaska's (Mr. YOUNG) 375.

But I would like to have some information because we think this is, and I know the gentleman does as well, a very critical piece of legislation which is now 6 months, 7 months, 8 months, I guess, past the date that we hoped to pass it on and we are in 60-day extensions, which we have a very distinguished Governor on the floor. I do not know whether I am in order by saying this, but I am going to say it anyway. I want to acknowledge the presence of our former colleague, Governor Ehrlich, on the floor, but I know he is very concerned about it because he and I have worked on a lot of transportation issues in our State, and I am sure that as soon as we finish the colloquy, he would like to talk to the gentleman about this bill.

I yield to the gentleman on his response to where the bill is.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman's yielding to me. And I am looking forward to talking to the Governor of Maryland, a former very distinguished member of this body, Bob Ehrlich. He is a very close friend of ours, and we are very glad to see him, but he also knows the rules of the House, that one cannot lobby on the floor House, because he served here.

As to the highway bill, the gentleman is very correct. This is a very important jobs bill. It is very important to all of us here in the House. It is very important to us because it is not just the most important jobs piece of legislation, it is a vital part of our economic agenda, along with tax relief and our 21st century careers initiative and competitiveness packages and all the other things that we are trying to do, energy bills. So we really want to see this bill, and we want to see it enacted into law. We are having a little trouble with the other body. The other body has repeatedly asked to go to conference. Unfortunately, there is a

group over there that will not let them go to conference, and we are having a difficult time in the other body going to conference. We can always go to conference here, but we would like to see the Senate go to conference first so that we can get the process moving.

Mr. HOYER. Mr. Speaker, reclaiming my time, I appreciate the leader's observation. It is my understanding that the Senate, certainly on the minority side, will agree to go to conference as soon as we are given a number as to what we are going to conference. My understanding is, however, that the gentleman's side of the aisle cannot agree with the White House on what that number ought to be. So in fairness, there seems to be a disagreement on the number that the President will sign, and, I think accurately, that is the reason for the hold-up because I think, frankly, the Senate could agree to the 318 and I would hope we can agree to the 318. I would be for a higher number personally, but I would hope that we could agree to that. The problem is, I understand, the executive does not.

But I would suggest to the leader, with all due respect, that this body can and should act independently and send the legislation that it deems to be appropriate and if the executive disagrees, he has the option of vetoing that bill and sending it back to the House. As one of the Senators on the gentleman's side of the aisle observed, that is the way the process is supposed to work. And I would think, because we share the view that this is very important, we believe it is a jobs bill, that we could pass a bill relatively easily with overwhelming votes and certainly votes significant enough to show the President that at least two-thirds of the Members of this body and the other body believe it is an appropriate bill to pass forthwith.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. His understanding may be a little late because as of almost over a week now, both the Republicans in the House and the Republicans in the Senate have given up trying to come up with a number agreed to by the President and have decided to go to conference. The minority on the Senate side has been informed of that fact. We are ready to go to conference to work out whatever the number may be within conference, to work out all the other disagreements between the two bodies, and they are ready to go to conference. I do not want to speak for the other body, but it is the minority that is refusing to allow the majority over there to go to conference.

Mr. HOYER. Mr. Speaker, reclaiming my time, quoting the majority leader of last week, I do not see it that way. Clearly, as the gentleman has just pointed out, there is not agreement. I think we could get agreement if we could allow the minority to have some

sense that they knew the parameters of where we were going, and I think that is all the minority is asking for. I think that is a fair request. But in any event, I think we ought to move this bill, and the gentleman's side is in charge and we would hope that would happen.

Mr. DELAY. If the gentleman would yield, we can move this bill and move to conference as quickly as we want to. Unfortunately, in the other body, the minority wants certain concessions before they even go to conference. The reason for conference is everybody getting in a room between the two bodies and work out their differences, not make side deals or those kinds of deals outside the conference before they allow their body to go to conference. So when the minority decides to go to conference over in the Senate, we will go to conference and we will have a highway bill.

Mr. HOYER. Reclaiming my time, I want the leader to know how happy I am to hear that that is the purpose of conferences and that nobody would want to reach outside deals outside of the configuration of a conference. He will recall, I think, we had months of discussion about the prescription drug conference to which no Democrats on this side were invited. That is the concern. Mr. DASCHLE was not invited. Mr. REID was not invited. Other Members were not invited. There were a couple of people who participated. But that is our concern. We could go back and forth.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, on that point I would just say this is a different issue. Both Democrats and Republicans want this highway bill, and in the case of the Medicare bill that the gentleman describes, the names that he listed, none of those names wanted the Medicare bill.

Mr. HOYER. Reclaiming my time just for a minute for accuracy's sake, all of them wanted a Medicare prescription bill. They wanted a different kind of bill. That is what he says conference is trying to iron out. That is my point. I think he makes it.

Mr. DELAY. They wanted a bill that was impossible to pass, and there was no use in wasting our time.

Mr. HOYER. As was yours almost, as I recall.

Mr. DELAY. Ours passed.

Mr. HOYER. The hope is that we will, in fact, move this piece of legislation and that there will be a bipartisan attempt made to move this legislation which is critical to our country, and a bipartisan agreement would be reached, as the leader points out, with the minority, giving them confidence that they will play a full role in the conference. I am hopeful that that happens.

I thank the gentleman for his observations.

□ 1700

ADJOURNMENT TO MONDAY, MAY 17, 2004, AND HOUR OF MEETING ON TUESDAY, MAY 18, 2004

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, May 17, 2004, for morning hour debate and further, when the House adjourns on that day, it adjourn to meet at 9 a.m. Tuesday, May 18, for morning hour debate as though after May 31, 2004, thereafter to resume its session at 10 a.m.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF MEMBERS TO MEXICO-UNITED STATES INTER-PARLIAMENTARY GROUP

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 276h, the order of the House of December 8, 2003, and clause 10 of rule I, the Chair announces the Speaker's appointment of the following Members of the House to the Mexico-United States Interparliamentary Group:

Mr. KOLBE, Arizona, Chairman
Mr. BALLENGER, North Carolina, Vice Chairman
Mr. DREIER, California
Mr. BARTON, Texas
Mr. MANZULLO, Illinois
Mr. WELLER, Illinois
Mr. STENHOLM, Texas

ADVICE FOR WHITE HOUSE ON CREATING JOBS

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, last week, President Bush came to Ohio, my home State, to try to defend his economic policies, a State that has lost 222,000 jobs since he took office. One out of every six manufacturing jobs in the State has disappeared since he took office. We have lost almost 200 jobs every single day of the Bush administration.

Yet the President's answer, again and again and again, is more tax cuts for the wealthiest people in this country, with the hopes that maybe it will trickle down and provide a few jobs,

which it has not, and more NAFTA-like trade agreements, which continue to hemorrhage jobs, continue to shift jobs overseas.

The White House, instead of those two failed attempts at creating jobs and building our economy, the White House should support extending unemployment benefits to those 50,000 Ohioans who have seen their benefits expire, should pass Crane-Rangel legislation, bipartisan legislation that will give incentives for American companies to manufacture in this country, instead of giving incentives, as the Bush administration does, to the largest companies in the country that continue to export jobs overseas.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ORGANIZING THE UNITED STATES GOVERNMENT TO HANDLE POST-CONFLICT AND STABILITY OPERATIONS

The SPEAKER pro tempore (Mr. CHOCOLA). Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, even as jubilant Berliners chipped away at the Berlin Wall 15 years ago, many Americans saw the end of the Cold War as an opportunity for the United States to cut its military forces, reduce the number of American troops deployed overseas and divert the monies saved, the so-called peace dividend, to address priorities here at home.

In the wake of the heady days of November 1989, few American policymakers were concerned about the civil war that was raging in Afghanistan, which the Soviet Army had quit 9 months earlier. As the Soviet armor rumbled north across the Afghan border, we closed the book on our deep involvement in the landlocked South Asian state.

Humanitarian and demining aid still flowed to Kabul, but the United States effectively left the heavily armed warring factions to battle each other, setting the stage for the rise of the Taliban. Eleven years later, on September 11, we paid dearly for our reluctance to get involved in helping to bring peace to Afghanistan and to stabilize and disarm the warring factors in the aftermath of the Soviet departure from the country.

Much of this failure can be attributed to an aversion to the kind of post-conflict nation-building operation that might have created a different Afghanistan in the 1990s. These operations are expensive, they are dangerous, they require an extended commitment of our national resources and our attention, and they impose a heavy burden on the military.

Throughout the 1990s, the United States took on other post-conflict reconstruction and stability operations in Somalia, Haiti, the Balkans, Northern Iraq, and East Timor.

More recently and most significantly, the invasions of Afghanistan and Iraq have compelled the United States to shoulder much of the burden for two enormously complex post-conflict operations. Despite our experiences in the 1990s and the crucial importance of the effort to stabilize Iraq and Afghanistan, these most recent efforts have been improvised affairs, led by the Department of Defense, which has pieced together personnel and expertise across the U.S. Government.

Our experience in Iraq and Afghanistan, and indeed that of the 1990s and the past 15 years, has made clear that this Nation needs a centralized civilian capability to plan for and to respond to post-conflict situations and other complex contingencies.

Last fall, Senators RICHARD LUGAR and JOSEPH BIDEN assembled an extraordinary bipartisan group of experts from inside and outside the government to study how best to reorganize the foreign affairs agencies to improve our ability to meet the challenges of the post-conflict operations.

Drawing on the discussions with these experts and administration officials, Senators LUGAR and BIDEN introduced the Stabilization and Reconstruction Civilian Management Act of 2004. In introducing the bill, Senator LUGAR said that it was his intention "not to critique past practices, but rather to improve our stabilization and reconstruction capability for the future."

In that spirit, my colleague, the gentleman from Connecticut (Mr. SHAYS), and I recently introduced H.R. 3996, which is the House companion to the Lugar-Biden legislation. This bill will establish a Stabilization and Reconstruction Coordinating Committee, chaired by the National Security Advisor.

It will authorize the creation of an office within the State Department to coordinate the civilian component of stabilization and reconstruction missions.

It will authorize the Secretary of State to create a Response Readiness Corps, with both an active duty and reserve component that can be called upon to respond to emerging international crises.

It will have the Foreign Service Institute, the National Defense University, and the Army War College establish an education and training curriculum to meet the challenges of post-conflict and reconstruction operations.

This bill is an important first step in reconfiguring the U.S. Government to strengthen our ability to deal with complex emergencies overseas. It will institutionalize the expertise we have acquired in the past 15 years at great cost in blood and treasure, so that we do not have to learn and re-learn how

to do these operations each time we are forced to undertake them.

Finally, and most important, it will shift much of the burden for the planning and execution of these missions from the military to the civilian side of our government.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LOWERING COSTS BY ALLOWING REIMPORTATION OF PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, last week, prescription discount drug cards became available under Medicare. Should America's seniors and disabled Americans take a look at the new discount cards? Absolutely. Are discount cards a substitute for giving Americans access to safe, effective and affordable drugs? Absolutely not.

Some seniors and disabled Americans will probably save some money with the discount cards, but some cards may not cover the drugs that you use, and which drugs they cover and how big their discounts are may change once a week without notice, even though every senior will have to keep the same card the whole year. Even if your card covers your medicine, it may mean little, because the drug companies have already jacked the prices up 15, 20, or 25 percent.

President Bush and the FDA and our government allowed drug prices to go up 20 or 25 or 30 percent a year, yet then they say we are going to give a drug discount of 5, 10, or 15 percent. What a deal. At least it is a good deal for the drug companies, if not America's seniors.

What to do instead is to allow reimportation; allow American wholesalers, American drug retailers to go in the world market and buy their prescription drugs from countries which actually do something to bring down drug prices.

Last year, a solid, bipartisan majority in this House passed a solid drug importation bill issuing a declaration of independence from the drug industry. But President Bush said no and the Republican leadership said no.

Last month, a bipartisan coalition introduced a comprehensive bill that could win an importation vote in the other body, but President Bush said no, and again the Republican leadership said no.

The Bush administration, the FDA, and opponents of free markets in medicine say importation is unsafe. They have claimed that drugs sold in Canada

and France and Germany, Israel, and Japan are not safe. Yet have we ever read a story about a Canadian or a French person or a German or a Japanese or an Israeli dropping dead in the streets of their countries because a drug is contaminated? Of course not. Those countries have FDAs similar to ours to protect the safety of their drugs.

Seniors in Ohio and throughout the country, in spite of the Bush administration claiming these drugs are unsafe on behalf of the drug industry, in spite of the FDA saying these drugs are unsafe, again on behalf of the prescription drug industry, seniors understand from personal experience that medicine sold in Canadian pharmacist is the same effective medicine sold here. It just happens to be one-third, one-half, one-fourth, sometimes, the price.

Now, the Bush administration and opponents of free markets in medicine say U.S. prices are high because other countries have forced the drug companies to sell the drugs for less there. They actually argue that if they can get drug prices higher in Australia and France and Germany that then the drug makers will just drop the price to Americans.

In fact, the Bush administration is putting pressure on the Australian Government through the negotiation of a trade agreement for the Australians to raise the prices they are paying to these drug companies for their drugs, with the implicit understanding, if you believe this, that the U.S. drug companies will voluntarily lower their prices.

Johns Hopkins University health economist Gerald Anderson told the Wall Street Journal last week, Say that you are the Pfizer CEO, and you go to your board and say, guess what? We just got a great deal in Australia on our drugs, so we are going to lower our prices in the U.S. You would be fired if you were the CEO of Pfizer and said that. Of course they are not going to do that.

These are giant multinational corporations whose profit margins dwarf the profit margins of any other industry in America. Drug companies in 2001 earned profit margins of 18 percent, three times the profit margins of other Fortune 500 companies. This has been the most profitable industry in America for 20 years running, with the lowest tax rates. They are companies that clearly have had taxpayers in this country do a lot of their research and development, yet they continue to charge Americans more than any other country in the world.

The reason for that is that the U.S. Congress and the U.S. President has simply stood by and let the drug companies continue to raise prices. It might have something to do with the fact that the drug industry gives George Bush millions of dollars for his campaign. The word on the street in Washington is that President Bush will get \$100 million from the drug industry for his reelection.

My Republican friends on the other side of the aisle, especially their leadership, have raised millions of dollars from the drug industry. As a result, the drug industry and the insurance industry wrote the Medicare bill. That is why the Medicare bill simply will not work the way that it should, that is why drug profits continued to go up, that is why seniors continue to pay two and three and four times what they do in Canada.

We have got to break the leash and the connection between the drug industry and the Republican Party and President Bush.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXPLAINING THE OIL FOR FOOD SCANDAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Wisconsin. Mr. Speaker, Americans are just beginning to read and hear of something called the Oil for Food scandal. Well, what does that mean? What does that term mean? And, more importantly, why should Americans care?

Well, Mr. Speaker, for just a few minutes, I would like to try to answer those questions.

Over a dozen years ago, Mr. Speaker, right after Saddam Hussein invaded Kuwait, the world moved quickly to impose sweeping international sanctions on Iraq. Those sanctions were designed to force Saddam Hussein to leave Kuwait and to follow international law on matters ranging from human rights to supporting terrorism to ending any pursuit of weapons of mass destruction.

Because our beef was with Saddam Hussein and his evil regime and not with the Iraqi people, the Oil for Food program was created. It was established as a humanitarian way through the United Nations to try to offer some relief to the Iraqi people. It was intended to allow the Iraqi Government to sell limited quantities of oil, so long as the proceeds were used to purchase food, medicine, and other essentials for the Iraqi people.

□ 1715

As I said, it was a humanitarian, compassionate gesture.

Now there is a scandal. There is a scandal, Mr. Speaker, because of growing evidence of the Oil For Food program was not only mismanaged, but used by Saddam Hussein for diabolical purposes. Some say the program is twisted by mismanagement. Some say it was twisted by corruption and greed.

Still others say that it was twisted by an anti-American agenda and bias.

So what happened that is so scandalous? Well, for one thing, Saddam Hussein used money, lots and lots of money, to buy things other than necessities for the Iraqi people. Not just small things like alcohol and cigarettes, but he used over \$2 billion to build palaces, monuments to himself and his evil regime. Even worse, he used some of that money to build his weapons and to launch his weapons program. This was money that would have gone to his people. Instead, this money went to perpetuate his evil regime and his lifestyle.

Secondly, because of alleged mismanagement and corruption within this U.N. program, billions of dollars that were procured are now missing. This was money that should be in the hands of the Iraqi people. Now more than ever, at the very time they need money for reconstruction, money to get back on their feet, money to build new schools, money to get ahead and build a brighter future, that money, \$10 billion worth, that money is gone.

Finally, and worst of all, some of this Oil For Food money was used by Saddam Hussein to pay off his cronies, allegedly to buy influence around the world, perhaps even in the United Nations itself, and to thwart the economic sanctions and diplomacy that we all hoped and prayed would avoid war. Lord forbid that this last point is true, because if it is true, if in fact some of this money was used to buy influence in the United Nations and other countries, it means that some of this money, it means that the Oil For Food program, it means that individuals within the United Nations and the international community, that their actions thwarted diplomacy and prevented sanctions from happening. And because diplomacy and sanctions failed, we went to war. And that means, Mr. Speaker, something that we all dearly hope is not true; that means that this corruption of this program led to the loss of American lives.

Mr. Speaker, this scandal involves billions of dollars, it involves mismanagement, it involves corruption, it involves illegal activity, and it may involve the kind of activity that costs lives, has lengthened this conflict, and perhaps even led to war.

Mr. Speaker, in the coming weeks, I and a number of other members of committees like the Committee on International Relations will come to this floor to ask publicly some important questions of the United Nations to try to get some answers, to learn more about the Oil For Food program, to find out whether there was, in fact, the corruption that we fear, and to try to get some answers. The American people deserve answers. The families of servicemen deserve answers. All of us deserve answers.

As I have said, I dearly hope that what we have read and what we have heard is not true, because if it is, as

William Safire of the New York Times has said, it would make it the most far-reaching political and financial scandal in history.

FOREST SERVICE UNDERFUNDED TO FIGHT FOREST FIRES IN 2004

The SPEAKER pro tempore (Mr. CHOCOLA). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, today, the Committee on Resources held a hearing on the coming fire season in the West. Officials of the Bush administration predicted that arguably, this could be the worst fire season in the Nation's history. So far, so good. They are looking out for our resources, our communities, our people.

Unfortunately, they went on to say that because the President shorted the budget and the Congress agreed with the President, that there is only about half the money in that budget that they expect they are going to need to fight the fires this year. Last year, a pretty bad fire season, but not the worst in history, the Forest Service ran out of money in August. Now, they cannot stop fighting the fires, so what do they do? Well, they go out and rob other Forest Service programs that are already underfunded. Over the last few years, they have gone and canceled fuel reduction contracts; that is, preventing the intensity or the possibility or probability of future fires through thinning and other activities, they actually would rob that program to pay for fighting this year's fires. But they do not learn their lesson.

Over the last 5 years, the average spent to fight fires by the Federal agencies has been \$1.2 billion. So what did the President ask for and the Republican Congress give him in this year's budget? Mr. Speaker, \$600 million, one-half of that amount. We are going into the worst fire year in history with less than one-half of the 5-year average. Even worse, just a few days ago, the Bush administration grounded all the tanker planes, because they cannot coordinate between the FAA and the BLM and the Forest Service and they cannot work out some paperwork on certifying whether or not these planes are safe or not. So our first line of defense, the heaviest line of defense we have, that which I know has saved the lives of firefighters and has saved homes and communities, is grounded.

Fourteen months ago I anticipated this problem and wrote to the Forest Service and they said, oh, do not worry, we have a plan. Their plan is a whole bunch of small planes and helicopters and yes, they can perform a valuable function, but they cannot get very quickly to distant fires, they cannot drop the huge loads that are sometimes needed to save a fire crew or stop a fire from breaching a hill and going down into a community or engulfing a

house. We will not have that tool this year, because they did not plan.

Now they say, well, they are trying to figure out where they might borrow the money to fight the fires. Might borrow the money. That means going back and decimating already underfunded programs in the Forest Service, maybe fuel reduction again, recreation most probably, capital investment improvements, all sorts of things that are detrimental to the resource and the public lands.

I have a novel idea. Why do they not instead be honest about how much money they need and come to the Congress from the White House with the President's support and ask for what they think they will need to fight this year's fires? Ask for another \$600 million. Yes, it is a lot of money, but we cannot ignore this problem. We could better prepare if they knew they had the money on hand. Instead of people scrambling around the Forest Service looking for other budgets to rob, they could be training more initial attack teams.

We got a report on the Biscuit Fire, a huge fire in southern Oregon a couple of years ago, which says there were no initial attack teams available. It is reported by some observers from California that the big southern branch of that fire was isolated to a couple of trees on one ridge on the first day. Now, if we had been able to get an initial attack team in there, but again, because of underfunding they were not available for days, we might have been able to prevent the whole southern branch of that cataclysmic fire.

So what is going to happen this year? They proudly say, well, they get 98 percent of those sorts of things. That is true. But if the 2 percent of the ones that they do not get, or even the 1 percent, are huge destructive fires that destroy resources, that destroy communities, that maybe even take lives, then is that not kind of a faulty way to save money? They say, well, we do not want all of those young people sitting around waiting for the initial attack teams; that would cost hundreds of thousands of dollars.

Well, it cost \$200 million to fight that fire. So we could have spent a couple of thousand dollars to have young people trained. If there really are not any fires going on, let us put them out there and do some trail maintenance or something else; they can certainly do that work too if that is what we are paying them for. But when the fires are already starting to burn, to have them ready to go at a moment's notice is crucial and critical and could stop and prevent a huge catastrophic loss of resource, loss of life, loss of property.

That is a good Federal investment. I do not begrudge paying those young men and women who are going to risk their lives for a little bit of down time when we are going to use them sometimes 3, 4, 5, 6 days straight a week or 2 later.

So I find that this administration is just being so shortsighted. They can

see the problem: The most catastrophic predicted fire in history, they grounded the tanker planes, asked for and got only half the money they think they are going to need; we will lack the initial attack teams and a whole host of other things we need to do. We are going to short the communities for their fire prevention programs, their cooperative fire management and other things where we help communities fire-proof themselves and homeowners with a little bit of Federal matching money and assistance.

What is wrong with this administration? Why will they not ask for the money they need to protect our people, our communities, our resources?

SITUATION IRAQ: HAVING FAITH IN A SUCCESSFUL OUTCOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, I spent most of my life in a competitive environment and, during that time, I tried to understand why some organizations are successful and why some fail and some win and some lose. It seems to me that in a competitive endeavor that three principles were critical.

Number one, unity of purpose; everyone having a common goal and pulling together. Number 2, the willingness to pay a greater price than the opposition; to sacrifice, to suffer, if necessary. And number 3, having confidence in a successful outcome to believe in the organization.

I believe that these principles are generally time-tested and proven. It seems to me that some of these principles might apply to our struggle in Iraq.

Recently I have heard some comments that the war is unwinnable. This is troubling, because it seems to me that words matter. Such statements are often self-fulfilling prophecies, because if you think you cannot, if you say you cannot, you probably cannot.

So what if a football coach or a coach of any kind told his team that they probably could not win? They probably would not win. What if Washington told his troops at Valley Forge that they could not win? It probably would have made a big difference in the final outcome. What if Lincoln had said after Antietam, where 26,000 casualties occurred in one day, the bloodiest single day in our history, if he had said, it is over, we cannot win? What if MacArthur had said this: Instead of saying he was going to return, what if he had said he was going to quit and go home? Or what if Eisenhower had said during the Battle of the Bulge that he could not be successful either?

Recently a Member of Congress came up to me and asked me this. He said, what is the exit strategy? I guess the way the question was phrased, it was how do we get out of this and somehow save face? How do we gracefully de-

part? I guess I did not have a good answer for him. As a matter of fact, I was puzzled because I had not really thought of that kind of an exit. I thought the exit strategy was to win. I did not know we had another exit strategy. The exit strategy, as I understand, was to displace the Taliban in Afghanistan, Saddam Hussein in Iraq, set up a representative government in both countries, train and equip each country's police and military to provide stability, and then leave. The rest of it, I believe, is up to the Afghan and Iraqi people. Much of this has been done already. It is certainly not completed, and certainly it is a difficult conflict and there is a lot yet to be done.

When I was in the Middle East not long ago, a young Reserve captain had been in Iraq for a nearly a year, and he said this: It is important that the American people not lose patience. I believe that is very true. He said this: He said, it is better to fight al Qaeda here in the Middle East than it is at home. He was proud of what he had accomplished over there militarily, in terms of the infrastructure, the water, the electricity, oil production, hospitals, schools, children being vaccinated, provisional governments being established.

So if we declare defeat, and if we say we cannot win, and if we say we have to pull out, it will do this: number one, we will dishonor the 750-plus soldiers who have died already, and their families.

□ 1730

Number two, we will sentence thousands of Iraqis who have helped in the reconstruction to death. They will not have much chance, and this is the one thing they are most fearful of.

Number three, we will have shown terrorists everywhere around the world that we lack the will, we lack the courage to see this through. In other words, we will put a huge bulls-eye on our back.

So we all say on this floor time after time we support our troops; but, and I would say this, telling them that the war is unwinnable, engaging in partisan wrangling is not supporting our troops. It is critical that Members of this body stand united, stand committed and stay the course.

The SPEAKER pro tempore (Mr. CHOCOLA). Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to take the gentleman from California's (Mr. GEORGE MILLER) time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

THE PRESIDENT'S NEW PR OFFENSIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, the President's new PR offensive in Iraq is offensive. The President sent Secretary Rumsfeld to Iraq. He should have sent him to see the Red Cross instead.

This administration remains in denial over the prisoner abuses in Iraq. They think creating a photo op in Iraq will somehow divert attention from the photos that shock the world. Justice is not a PR stunt in Iraq.

The responsibility is not a sound bite from Secretary Rumsfeld telling Americans from Iraq that he is in charge. Accountability is not a mug shot from the prison where policies that shame America spun out of control.

Mr. President, this is a crisis of worldwide scope. Landing on an aircraft, Mr. Speaker, will not help. Standing your guy up in Iraq will not help. Pretending it will go away will not help. Put away the banner, Mr. President, because America is in the midst of a crisis.

We are just beginning to comprehend the magnitude of the abuse at one prison in Iraq, and we are beginning to hear of abuses that may have taken place elsewhere. This PR stunt will be seen around the world as just that, and it will only make matters worse.

Restoring America's credibility in the world will take America confronting this awful thing. The people mugging for the camera are the people who ought to be at the center of a complete and impartial investigation. Anything less will be a cover-up plan in plain sight.

The world simply will not allow it. Every day the questions and comments worldwide get just tougher and tougher.

From the Gulf News, today's editorial is entitled "Inside Afghan's Prisons, U.S. Abuses are Shrouded in Mystery."

Singapore's Straits Times newspaper carries the commentary today entitled "Torture and the Politics of Ambiguity."

I will insert these newspaper articles into the RECORD at this point.

[From the Straits Times, May 13, 2004]

TORTURE AND THE POLITICS OF AMBIGUITY

(By Michael Manning)

Each new revelation of physical abuse, maltreatment and sexual humiliation of Iraqi prisoners by American and British soldiers shocks international public opinion, leaving officials to scramble desperately to contain the damage.

United States Secretary of Defense Donald Rumsfeld warns that more documentary evi-

dence of wrongdoing at Abu Ghraib prison lies in store, evidently in the preemptive hope that the outrages stopped there.

As a former US military intelligence interrogator, I am convinced that the images from Abu Ghraib are just the beginning. The wanton cruelty there is all too clearly symptomatic of a systemic failure.

But what system failed? Was it a failure of discipline and training—the result of sending inexperienced and unworried reservists into poor conditions, abruptly extending their deployments and then leaving them understaffed in the face of a growing influx of captured insurgents? Or did the pattern of abuse amount to so many orders from superiors to "soften up" prisoners for interrogation?

The answer is, most likely, both and neither.

Ultimately, what gives rise to abuses such as occurred at Abu Ghraib is a policy of deliberate ambiguity concerning how to handle detainees. The pressure in a war setting to get information that could save lives is immense. But senior political and military officials—particularly in democracies—prefer to avoid any association with torture.

Ambiguity is thus a political strategy that encourages the spread of implicit, informal rules of behavior, thereby shifting accountability onto the lowest ranking, least powerful and most expendable soldiers.

I completed the US Army's three-month basic interrogation course in the late 1980s. It was rigorous—only seven of 33 students finished it—as it required mastering the technical minutiae of collecting, cross-checking, standardising and reporting enormous masses of information.

But the curriculum was much less meticulous concerning interrogation techniques. An interrogation, we were instructed, should begin with polite, direct questioning, because a certain number of detainees simply want to unburden themselves. If more persuasion was needed, we could offer rewards for cooperation—anything from cigarettes to political asylum.

Beyond this, we were taught that we could "apply pressure." The term was never defined in any formal setting, but the concept was not difficult to decipher. As US Army General Antonio Taguba's report on the abuses at Abu Ghraib put it, the "guard force" was "actively engaged in setting the conditions for successful exploitation of the internees."

This obvious violation of the Army's rule prohibiting participation by military police in interrogation sessions does not surprise me. I was never taught that military police came under a separate chain of command. On the contrary, between classes, during breaks in field training and in other informal settings, some of our instructors let it be known through insinuation and innuendo that we could have the guards beat uncooperative subjects.

This was never said in the classroom, but it was made clear the role of military police was to serve the interrogators, for an interrogator's effectiveness depends on convincing the detained of his omnipotence.

The hidden rules of the game came closest to being officially acknowledged during two weeks of simulated interrogations towards the end of the training course. These sessions involved only a student interrogator, and instructor in the role of the detainee and a video camera.

When, during a simulation, I asked an imaginary guard to take away the detainee's chair, the instructor feigned being removed violently. When I told the non-existent guard to hit the detainee, the instructor played along. All of us knew that a failed interrogation could mean being dropped from the course. I was not dropped; I finished first in my class.

For those who benefit from the politics of ambiguity, international law is an indispensable prop. In his recent US Senate testimony, Mr. Rumsfeld claimed that the military police at Abu Ghraib were instructed to abide by the Geneva conventions.

So was I. Throughout my training as an interrogator, the admonition to follow the Geneva conventions accompanied virtually every discussion of "applying pressure." Unfortunately, like "applying pressure," the Geneva conventions were never defined. We never studied them, nor were we given a copy to read, much less tested on their contents. For many of us, the conventions were at best a dimly remembered cliché from war movies that meant, "don't do bad stuff."

Again, the tacit rules said otherwise. One instructor joked that although the Geneva conventions barred firing a 50-caliber machine gun at an enemy soldier, we could aim at his helmet or backpack, since these were "equipment." Others shared anecdotes about torturing detainees.

Whether such talk was true is irrelevant. We were being conditioned to believe that the official rules set no clear limits, and that we could therefore set the limits wherever we liked.

In the end, the politics of ambiguity may fail Mr. Rumsfeld; all those high-resolution photographs from Abu Ghraib are anything but ambiguous. If similarly shameful disclosures multiply, as I believe they will, let us at least hope that official apologies and condemnations may finally give way to wider, more genuine accountability and reform.

[From the Gulf News, May 13, 2004]

FARHAN BOKHARI: INSIDE AFGHAN PRISONS, US ABUSES ARE SHROUDED IN MYSTERY

The scandalous treatment of Iraqi prisoners by United States military personnel and the series of condemnations surrounding key US officials, most notably Defense Secretary Donald Rumsfeld, are too significant to be ignored easily. But one essential danger flowing from recent revelations surrounding the actions of American military personnel in Iraq is that similar mistreatment of prisoners in US custody in Afghanistan could have occurred on the same proportion. And perhaps this was easily overlooked.

The bottom line remains that the world's so-called sole superpower, eager to sermonise the rest of the world over principles of democracy and basic human values, now finds itself confronting fundamentally tough questions over the very same values—which have theoretically stood at the heart of its policy-making.

How can the US lead the world if its actions cause more inhumanity than the protection of humanity? There are no easy answers to that fundamentally significant question. To make matters worse, a number of Afghan and Pakistani families related to the fighters nabbed during the Afghan war and subsequently taken to Guantanamo Bay, are completely in the dark about the fate of their near and dear ones.

The fate of the prisoners captured by the US in Afghanistan will not only continue to haunt the region surrounding the central Asian country but indeed the rest of the world. Vociferous criticism of US treatment of Iraqi prisoners is only gathering fresh momentum.

For many critics, no amount of denunciation of Washington's policies can ever compensate for the suffering endured by a large number of victims, thanks to the failure in enforcing stringent codes of conduct. The fallout from the Iraqi prisoners issue across the Muslim world will also carry its reverberations to Afghanistan, where many Afghans remain skeptical about Washington's

ability to give their country a new lease of life. For such sceptics, the Iraqi prisoners issue triggers a two pronged painful question.

On the one hand, this controversy raises the issue of the treatment of Afghan prisoners, whose fate remains hidden from the world.

It is only the word of the US military and other authorities which suggests that living conditions for Afghan prisoners remain acceptable. But there's absolutely no way to independently verify such claims.

On the other hand, the Iraqi prisoners' issue reinforces not only the message that the US remains—fundamentally—a country which is hostile towards the Muslim world, but also one whose actions only aggravate global crises rather than provide solutions for them. At a global level, the fallout from the Iraqi prisoners issue would be hard to pacify without a clear-cut demonstration of political consequences through steps such as US President Bush asking Rumsfeld to step down.

Without a clear message which suggests that this case has sparked enough urgency in Washington that heads are beginning to roll, the bitterness across the Muslim world will not even begin to pacify.

On the ground, in a country like Afghanistan, there's a great urgency to quickly establish new parameters to ensure transparency surrounding prisoners in different jails, be they those in the custody of the US or those being held by one of its allies. Apart from taking such vital measures regarding the treatment of prisoners in Afghanistan, Washington also needs to move decisively towards beginning to resolve the issue of prisoners incarcerated in Guantanamo Bay.

Simultaneously, Washington's determination to build a new political order in Afghanistan dominated by its handpicked leaders also needs to be fundamentally reviewed.

While there may not appear to be any direct clash between the prisoners issue and the political future of Afghanistan, the two issues are not entirely unconnected. For many sceptics who look upon the US as an invading power, both trends appear driven by the determination to enforce brute authority. The prisoners on their own, suspected to be living in sub-human conditions, may not be able to challenge Washington's military authority. But there are many others who would continue to be bitter about the US, drawing inspiration from Washington's controversial action.

Through time, such bitterness and anger will only translate into hostility towards the US. To make matters worse in Afghanistan, Washington's failure to pour billions of dollars once expected by most Afghans will only begin to lay the basis for frustration with the US as a problem solver. Tragically though, Afghanistan may be fated to live through one of its worst periods of recurring turmoil between now and the end of the year, ahead of the US presidential elections.

In its zeal to quickly solve the security problems central to Afghanistan's past profile as a terrorist state, the US military, with or without Washington's tacit direction, may well intensify its search for so-called terrorists.

In doing so, its likely to run up against one wall or another.

Perhaps, the search for terrorists may intensify the urgency to step up the so-called interrogations of prisoners caught in the Afghan war.

The worst in the saga surrounding prisoners in the US military's captivity may not be over yet.

The BBC asked viewers and listeners to comment. From South Africa came

this: "The U.S. Secretary of Shame should just do the honorable thing and resign."

From Switzerland: "Rumsfeld is the apex of an arrogant military lobby in the U.S., a bunch of people who have no concern for human rights, freedom, liberty and moral values which were seen as the inseparable ideology of the United States."

From England: "Bush's administration has brought anarchy not democracy."

In Iraq today, Secretary Rumsfeld called himself a survivor as he spoke to the soldiers. This is the typical administration technique. Say something over and over and over and hope the people will begin to believe it. Fly a banner, take a picture, hope it all goes away.

The Secretary of War should have been talking about how America's credibility can survive this administration. Secretary Rumsfeld should have been talking about how America's leadership can survive the neo-cons. The Secretary should have been talking about how our men and women in Iraq can survive the new dangers they face.

It is too much to ask, I know. The PR machine cannot grasp anything as obvious as worldwide outrage. They call it a focus group. Meanwhile, they will do everything possible to prop up Rumsfeld, even as he comes to symbolize a disastrous foreign policy.

Today, Secretary Rumsfeld runs the DOD, but it no longer stands for the Department of Defense. Under this administration, under this Secretary, DOD has come to mean "divert or deny." The world sees it. The world knows it. The administration just does not get it yet. November 2 is coming.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. McCOTTER) is recognized for 5 minutes.

(Mr. McCOTTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. TIAHRT. Mr. Speaker, I ask unanimous consent to take the 5 minutes of the gentleman from Michigan (Mr. McCOTTER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

IT IS TIME TO CHANGE THE STATUS QUO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, over the last generation, Congress has acted with good intentions; but it has resulted in bad consequences. We have

developed, through policy here on the floor of the House over the past generation, policies that have driven jobs offshore. We have forced costs on employers that they are unable to control, and they do not even get a vote, and the result, a loss of jobs and a loss of the American dream for those who want those jobs and a successful career.

I was speaking recently with the CEO of Raytheon Corporation in Wichita, Kansas; and we were talking about a wire harness shop. He had worked with his machinists union and tried to develop a way to keep that shop within the Raytheon Corporation. He realized after several tries that even if wages were at zero he would still be forced to move these jobs overseas in order to remain competitive. The reason these costs were driving jobs overseas was not because of the wages. It was because of the higher cost imposed by Congress over the last generation through their policies.

I spoke with the CEO of Convergys. He told me that it was about the same to build a building in New Delhi or in Manila or in Wichita, Kansas. Overhead, in other words, is about the same around the globe.

So if it is not wages and it is not overhead, Mr. Speaker, what is it that is driving up costs that CEOs have no control over and is forcing our jobs overseas? Well, we have looked at these costs, and we have decided it is time to change this environment that is keeping jobs from coming back to America. It is time we changed the status quo.

We found out that these costs can be divided into eight separate categories, and we have developed eight issues; and for this week and the seven weeks that follow, we are going to attempt to change that environment, and I believe the change is coming.

The first of these issues is health care security. These are costs that are driven by an increase of regulation, increase of lawsuits, increase of mismanagement from the Federal level; and the result has been a 12 percent increase in the growth of health care costs just this past year. This is now the sixth year where we have had double-digit growth in health care costs, and it has forced health care costs to double since 1999.

It has raised the number of uninsured in America. So this week, we passed association health plans which allowed associations to gather together and lower their health care costs by bargaining with a larger number of people.

We passed flexible savings accounts so that employees could save money for health care costs and become more involved in health care decisions and shop around for health care services, reducing the cost and increasing the number of people on the insured rolls.

We also limited medical malpractice costs by medical malpractice reform. That alone will increase the number of insured by almost 4 million Americans.

We also found out there is a second issue, and one we are going to be addressing next week is the costs that are

associated with bureaucratic red tape. We are going to try to reduce the amount of bureaucratic red tape next week by dealing with OSHA, but we know now from reports from the National Association of Manufacturers that 12 percent of the cost of any manufactured item in America is due to the cost of paperwork compliance.

The Kansas Hospital Association has told me that for every hour of health care they provide, they also have to have an hour to just comply with the paperwork. An hour of health care now equals an hour of paperwork compliance. If we could reduce that to just half, we would make our companies more competitive. That alone would help us bring jobs back to America.

Our energy policy needs to be addressed. We now are facing \$2 gasoline in America, much of it driven by boutique gasolines demanded by the EPA. Blends that are designed for winter and summer in our limited number of refineries and limited number of pipelines cause temporary shortages and drive gas up. We should pass the energy bill that addresses and encourages ethanol and biodiesels, renewable resources that cannot only help lower the cost of energy but also raise the cost of commodities for farmers.

We also need to produce more energy. If we could pass the energy bill, it would create 700,000 jobs in America. Our tax policy needs to be addressed, but it is buried into the cost of our products. The loaf of bread that costs a dollar is increased by 2 cents just by taxes.

We also need to address lifelong learning, trade policy and litigation reform. We can change the status of these, status quo and bring jobs home.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HEALTH CARE SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROYCE) is recognized for 5 minutes.

Mr. ROYCE. Mr. Speaker, there really is a medical liability crisis in this country. Americans realize there is an urgent problem, but I think many are unsure of how to solve that problem.

In my view, they need to look no farther than California for an answer as to what to do about this medical liability crisis, because in the early 1970s in California we faced a medical liability crisis very similar to the one that is spreading across the Nation now; and at that time, Governor Jerry Brown teamed up with members in the State Senate and members in the State Assembly and passed the Medical Injury Compensation Reform Act, which is referred to as MICRA.

As health care costs hammer our citizens and limit the jobs available, it is imperative that the Nation follow California's example and bring structure and stability to the medical liability system.

I say that because Californians enjoy a very secure competitive liability system. MICRA limited noneconomic damages to those injured, while ensuring full compensation for lost wages and for medical costs. Doctors have the benefit of some of the lowest medical liability premiums in the Nation. Since MICRA was enacted, medical liability premiums across this Nation have increased by 750 percent. In California, the increase is less than half that number, less than half the Nation's average. That means that we are doing something right, and let me give my colleagues some other facts.

Disputes in California are settled 26 percent faster, and health care costs are 6 percent lower. That saves the patients in our State \$6 billion per year, and I think it speaks volumes as to our system's capabilities.

Yesterday, the House passed H.R. 4280, and by doing so we took the California model, and we applied it to the entire Nation. This is about common-sense reform, reform we know will work because we have tried it.

Health care costs have skyrocketed over the last decade. Advanced medical technology, advanced therapy, increased use of prescription drugs, all of these paired with inadequate cost containment have led to runaway prices; but, Mr. Speaker, I do not think we want to stand for this. I do not think my colleagues want to stand for this. It is not acceptable to stand by and watch our constituents unfairly carry the burden of a lacking system.

Systems like MICRA allow for patients to recover from their health care costs. State hospital associations estimate that every hour of care requires an hour of paperwork. One hour of doctor-to-patient care surely does not require the cost of that hour plus an additional hour of an administrator filling out forms. It is inefficient, it is clumsy; and thankfully we will no longer stand for it because by a 30-plus margin we have moved in a strong, bipartisan way to take our country towards medical liability improvement.

Employers, large and small, have struggled to keep their businesses up to the phenomenal speeds set by racing costs.

□ 1745

Finally, we have introduced a way for businesses to provide health coverage because they care about their employees, without compromising the integrity of their businesses and products that they produce.

Mr. Speaker, I thank my colleagues for passing this much-needed legislation to preserve access to quality health care costs, not just for Californians, but now for all Americans. We passed this legislation yesterday, the

bill is currently pending in the Senate. It is my hope that the Senate will act expeditiously so that we can get this legislation to the President's desk quickly.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CHOCOLA). The Chair will remind all Members to refrain from improper references to the Senate.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. WYNN) is recognized for 5 minutes.

(Mr. WYNN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CASTRO CLOSES DOLLAR STORES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to discuss a disturbing chain of events on the Island of Cuba this week. On Tuesday, Cubans awoke to find the Island's dollar stores, stores that accept U.S. dollars and provide Cubans with basic hygiene and food items, were closed.

The Castro government called this a reaction to new sanctions placed on Cuba by the U.S. Castro said that this was because of new limits being placed on remittances given to Cubans from their families in the U.S. Cubans were not given a date or time when the stores would reopen, simply left to read signs posted on the front door that read "closed until further notice."

Mr. Speaker, to explain to the average American what these stores mean to the Cuban people, a monthly ration covers eight eggs, about a pint of cooking oil, six pounds of rice, a half pound of ground meat/soy mixture, and other goods each month. Everything else has to be purchased for higher prices at either state-run stores, in pesos, or the dollar stores, in dollars, obviously.

Essentially, the Cubans are being told by Castro that the closings were the result of a new American policy, keeping Castro clear of any responsibility in the matter. So, not surprisingly, there was a run on basic necessities at the state-run stores. Mind you, the state-run stores carry bare minimum products. Even still, Cubans rushed to buy up shampoo and dishwashing detergent, worried that "closed until further notice" could mean closed for weeks, months, or even years to come.

Castro has since realized the error in his plans. News was released this afternoon that the dollar stores were suddenly reopened this morning, and the Castro regime is now saying that the stores were simply closed for inventory and to allow for price increases. So now the Cubans have regained access to the

goods they need, but now they will have to pay higher prices, a difficult prospect when even doctors only make an average monthly salary of \$25.

Mr. Speaker, this is one more example of Castro's attempt to impose sanctions on the Cuban people, all while blaming the United States and essentially playing the martyr. This should be an example to all of my colleagues on why we need to continue the embargo. Opening our markets to a regime that uses its people as economic and political pawns and has no interest in a market economy, rather, works only to funnel money into the government and its wealthy leaders, is not an example of an honest business partner.

This, Mr. Speaker, is how Castro treats the average Cuban citizen. Let us not forget the countless situations Castro has committed against pro-democracy forces, throwing pro-democracy advocates in prison or independent journalists, many of whom have been jailed in the last year.

So I simply ask my colleagues to join with me and take notice of what happened with these dollar stores as an example of how Castro treats his people. And I think it also should make us reconsider whether we want American companies doing business with this kind of a regime. I do not think we should.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BURNS) is recognized for 5 minutes.

(Mr. BURNS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DESPITE THE WRONGS OF A FEW, THE MISSION IN IRAQ MUST CONTINUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I, along with many of my colleagues, had the opportunity to view the photographs of the prisoner abuses in Iraq this past week, and I have had many of my constituents calling me and questioning me about these issues. I certainly agree with all of those who express outrage to see this kind of abuse going on, perpetrated by Americans. However, I disagree strongly with many of those who look at these recent developments and assert we should never have gone into Iraq in the first place, considering these great problems that are developing over there.

I continue to feel very strongly the President did the right thing in using force against Iraq, and that Iraq was a serious threat from a terrorist perspective. And I think Tony Blair expressed this most clearly and most succinctly when he addressed the House of Representatives and the Senate in joint session right in this very Chamber. The

reason we went into Iraq was because if you ever had the joining of weapons of mass destruction with the terrorist elements of al Qaeda, instead of 3,000 dead, as we had on September 11, we could have 30,000 or 300,000 killed.

We went into Iraq for the right reasons. And to those who would say that the war in Iraq is unwinnable, I would assert that we have won the war in Iraq. The challenge that we face today is winning the peace. And clearly winning that peace is critically important.

By taking the war against terror into the Middle East, there are many of our detractors, supporters of totalitarian regimes in that part of the world who would like to see us fail in establishing democracy in Iraq and would like to see some sort of totalitarian regime re-emerge in that country.

I will say this. If we cut and run as some people are proposing, there will be tens of thousands of Iraqis who will die unnecessarily. I was in Iraq in November of last year, and many Iraqis are cooperating with us. They want to see a democratic institution established that can govern their country, and many of those people will be imprisoned, tortured, and executed if we see a regime resume in Iraq similar to Saddam Hussein's regime.

Now, many are questioning as to how this could have happened and are raising questions about Americans' character. How could it be that Americans are guilty of these kinds of terrible things? And, indeed, many of our detractors in the Middle East are trying to assert that we are no different from Saddam and his henchmen in that they torture people, and here we were, torturing people.

I think if we look at the brutal execution that we saw recently where an American was executed in front of video cameras, we can clearly see there is a difference between us and them.

The American people are rightly outraged, and they demand these abuses stop and that investigations be conducted. Well, in reality, the U.S. military responded appropriately months ago when they recognized this problem. Investigations have been underway for a while, and the abuses stopped long ago. Indeed, all we are seeing right now is a media and public reaction because the photographs were made available.

The American people are good people, the American people are a moral people, and we are reacting appropriately. The perpetrators of these deeds will be brought to justice. Indeed, as I understand it, court marshals are underway almost now as we speak. The real question is why could a small few be driven to such terrible deeds? And that is a legitimate question for us to ask.

Clearly, one important thing is a breakdown of command and control of authority, and we need to seriously investigate what happened here with the brigade commanders and the company commanders. How did we have breakdowns in our military intelligence op-

erations where standard Geneva Conventions were ignored? But those investigations were underway, and we will find out. And that is how America is different. That will play out in the eyes of the public.

To compare the United States to Saddam Hussein and his brutal regime, where this was business as usual, indeed it was official policy of the regime, is just totally inaccurate and totally distorted.

What struck me most about viewing these photos was the simple fact that many of these photos were pornographic. How could it come to pass that American servicemen and women are perpetrating these kinds of acts and recording them all on camera? Certainly we need to ask those questions in this country today. But I do not think we can escape asking the question of whether or not this is an impact of all the availability of pornography in our Nation.

Mr. Speaker, we have too much pornography in this country, and this body needs to act more and our court system needs to act more to try to stop it. We need to ask the questions of how could a small few carry out such morally reprehensible deeds.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

SMART SECURITY AND ACCOUNTABILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the administration's war in Iraq has failed. It has failed to make the world safer from terrorism. And, actually, it has made the world less safe and more susceptible to acts of terror. Who should be held accountable for this mess?

The war is not going well. Over 740 brave American soldiers have already lost their lives as a result of this deadly conflict, not to mention the innocent Iraqi civilians who have been killed and the thousands of troops injured.

The Pentagon just released a report that 18,000 American troops have been evacuated from Iraq for medical reasons. That is 18,000, or one-seventh of the number currently stationed in Iraq. This speaks to a systematic failure of leadership, Mr. Speaker. And, sadly, examples of this failure are widespread and easily recalled: the failure to secure Iraq's borders; the failure to prevent postwar looting; and the failure to provide the security necessary for reconstruction.

In fact, the recent abuse of POWs at the Abu Ghraib Prison is yet another

example of failed leadership by the Bush administration. But one of the most shameful aspects of our involvement in Iraq, our greatest failure of all, I believe, is the failure to adequately provide our soldiers with the equipment, the guidance, and the leadership they need to ensure their survival and their success in Iraq.

We failed to immediately provide our soldiers with the essential survivor tools, body armor capable of stopping bullets, armor for tanks that would help prevent the destruction of U.S. military convoys, and the necessary water equipment to keep them hydrated in the desert heat. This issue is one that should have been accounted for during the planning phases of the war, not as an afterthought when our troops were in harm's way, already halfway around the world.

In fact, this protective equipment has not been fully provided yet, after Congress approved \$155 billion in supplemental spending bills last year. I ask again, who should be held accountable for this mess? Should it be Secretary of Defense Donald Rumsfeld, who President Bush claimed was doing a superb job, and who Vice President CHENEY, in a recent statement, called the best Secretary of Defense in our Nation's history? If Donald Rumsfeld is doing a superb job, then I really want to know what is a bad job.

For his consistent failure to adequately plan for the war in Iraq and the postwar phase, during which the lives of far more American soldiers have been lost than during the war effort itself, Donald Rumsfeld should resign his post with the best interest of this Nation in mind.

We must also take heed of the quote made famous by President Harry S. Truman: "The buck stops here." President Bush would be well served to embrace this policy, a policy which served President Truman and our Nation well during an earlier war.

To prevent a similar situation, I have introduced legislation to create a SMART security platform for the 21st century, H. Con. Res. 392. SMART stands for Sensible Multilateral American Response to Terrorism. SMART treats war as an absolute last resort. It fights terrorism with stronger intelligence and multilateral partnerships. It controls the spread of weapons of mass destruction with a renewed commitment to nonproliferation, and it aggressively invests in the development of impoverished nations, with an emphasis on women's health and education.

□ 1800

The Bush doctrine of unilateralism has been tried and it has failed. It is time for a new national security strategy based on America's commitment to peace and freedom, our compassion for the people of the world, and our capacity for multilateral leadership. Let us be smart about our future. SMART security is tough, SMART security is

pragmatic and patriotic, and it will keep America safe.

ILLEGAL IMMIGRANT EMERGENCY HEALTH CARE

The SPEAKER pro tempore (Mr. CHOCOLA). Under a previous order of the House, the gentleman from California (Mr. ROHRBACHER) is recognized for 5 minutes.

Mr. ROHRBACHER. Mr. Speaker, let me note that this President is taking care of the business of our national security; and, yes, it is a tough and hard job to do, and it is a job that requires tenacity and character. Our President is providing that leadership. He is not cutting and running. He is not trying to claim that the responsibilities for defending our country should be put off on the United Nations or other organizations.

In fact, if we have to rely on the United Nations for our national defense, as seems to be the Democratic plan, that means that the Communist Chinese and the security council would have veto power over anything done to protect the United States of America. I do not think we want to do that.

I think our President and Secretary Rumsfeld deserve a recommendation for their courage and willingness to stick out a situation until the victory is won, otherwise there would never have been any victories by American forces anywhere.

Tonight, however, I am here to talk about another threat to our national security, and that is the threat of an uncontrolled flow of illegal immigration into our country. On Tuesday, H.R. 3722, that is a piece of legislation that I wrote, will be voted on here on the floor, probably Tuesday. It is designed to control the flow of illegal immigration into our hospitals that is destroying health care in so many of our States. This legislation, H.R. 3722, sets the parameters for the use of a \$1 billion fund for illegal alien emergency health care that was allocated in the Medicare bill that passed Congress a few months ago.

If we do not act, this billion dollar fund will create a perverse priority at America's emergency hospitals throughout our country, that is, we will be using this billion dollars to reimburse the hospitals for taking care of illegal immigrants in the emergency rooms, but not for American citizens; illegal immigrants then whose emergency health care costs will be covered by a Federal grant, and will be given priority over uninsured U.S. citizens and legal residents. This is as perverse a priority as I have ever seen. What is wrong with this picture? We have to act to stop that.

We are literally telling our legal citizens and legal residents to sit in a line while illegal immigrants will be taken care of. My legislation, H.R. 3722, will rein in the cost of illegal immigration on our health care in several ways. Number one, it is minimal in paper-

work. It is being charged that my bill will create new paperwork. That is a bogus charge. If anyone wants this billion dollars in funds, they will have to fill out the paperwork anyway. Hospitals that are going to get reimbursed for illegal immigration health care are going to have to fill out a couple of forms, not by my bill, but in order to get that money. My bill simply says that information has to be available to the INS and the INS should start proceedings against an illegal alien to get him out of the country if he is sucking up dollars in our health care system that should go to American citizens. It also requires the hospital to take a Polaroid picture or get a fingerprint and ask the illegal who his employer is.

The reason we ask who his employer is is because H.R. 3722 says that if the last employer of that illegal immigrant has not provided health care insurance, it is not the taxpayers who should be paying for the health care of that illegal immigrant; it is that employer. If we cannot show that he has done due diligence, the employer, in trying to find out that he is hiring an illegal immigrant, they will have to pay for that.

H.R. 3722 also sets a limit on health care treatment requirements on illegal immigrants. Only in life-threatening situations do our hospitals have to give treatment to illegal immigrants. Today we see billions of dollars, heart transplants, 12-month long treatments for leukemia, all of these things, we are talking about billions of dollars are being spent for the health care of illegal immigrants. Genetic problems that they brought into the country with them, that is coming right out of the money that is available to take care of our senior citizens and take care of our own young people.

It is a sin that we are letting that go on. My bill takes care of that. It takes care of the mandate on our hospitals saying they have to treat anybody who comes in their door. We only have to treat them if their life is in danger at that moment, otherwise they get sent back to their native country where they can pay for their health care.

This legislation is being attacked from all sides by bogus arguments. Remember, it does not create new paperwork. This bill will be voted on the floor next week. Everyone needs to hear from their constituents about whether we believe our limited health care dollars should be going to pay for the health care of illegal immigrants. If you think that the money, the limited money we have available to take care of your family should be spent on someone who has come here illegally, then you need to look at who is voting against my bill. But if you think we should make sure that our limited health dollars are put to use for our own citizens and legal residents, then make sure your Congressperson knows, and my colleagues should know that their constituents support the idea of making sure that our limited resources help our own citizens and legal residents, immigrants who have come here

legally, rather than being used by people who thumb their nose at our law and come here anyway.

Limited health care dollars should be used for our own people rather than providing unlimited care for illegal immigrants. That is the issue of H.R. 3722. We will vote on it next week. If you agree with me that this money and these resources are important for the health of our senior citizens and for the health of our young people and should not be dissipated on trying to make America an HMO for the whole world, then please make sure that my colleagues understand how their constituents feel on this issue.

I believe my colleagues should be judged on whether or not they are concerned about illegal immigration and they are protecting the interests of our citizens and legal residents by this vote, H.R. 3722. No matter what type of smoke can be blown in the air to try to confuse the issue, it is clear: limited dollars should go to legal immigrants and citizens. I ask my colleagues to seriously consider the consequences of letting this flow of illegal immigration dissipate all of our money available to us to take care of our seniors in the future.

PRISON INVESTIGATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the gentleman has presented an opportunity for us to have a vigorous debate next week on the issue dealing with health care for all of us who are in need of health care, and my challenge on the question of separating out individuals who are called illegal immigrants yet paying taxes and hard working is that any failure in the health care system in our communities impacts all of us. So I know we will have a vigorous debate on that question.

Mr. Speaker, I rise today because we have had a momentous week; and I think it is appropriate as we conclude our week here, as we head home to our districts, to pay honor to the many men and women on the front lines of law enforcement; and I work with the law enforcement in my community on a regular basis. We pay tribute to those who have lost their lives defending us domestically and the families of those, the survivors of those who lost their lives. Let me first of all conclude this week by acknowledging that this is the week that we honor law enforcement across the Nation.

I want to thank them for their service, including, of course, the Capitol Police and police that guard this city, and also those who work throughout the Nation.

The week is momentous because for some reason or other when we try to do our duty here in this Congress, we hear the ire and the voices of

politicalization, partisanship and accusations. Some begin to go off of the margin and talk about campaign contributions, things that I myself would chastise and suggest is not the basic crux of why we have asked for extensive investigations on the last week's activities.

It also pains me to note that a Member of the other body would even participate in a hearing to begin to suggest that he is overwhelmed, if you will, with the constant statements of outrage about the abuse of prisoners because he wants to equate the idea of terrorism and what has happened in battle and it is no worse than the fact that Americans are there trying to do good, and of course citing terrible incidents that have occurred against American citizens and wanting to downplay what has now occurred and what the world has now seen as to the abuse of prisoners in Iraq.

I say to that individual that you are not contributing to what America is all about, and that is although we hear many voices and the talk shows are raging, fueling the fires of course of dissent, I know that the bulk of Americans agree that what happened in Iraq in that prison was not American, it was not in compliance with the Geneva Conventions, it was not moral, it was not spiritual, it was not kind, it was not befitting of how America has come to be known in this world. We are promoters of life over death, and we are promoters of peace over war.

So, Mr. Speaker, I come today to be able to clarify, if I might, what we should be doing. I certainly cannot comment as to the credibility of the visit of Secretary Rumsfeld to Iraq because I have not yet been briefed; but if it is to provide a rally, cheerleader-type atmosphere, then it is inappropriate. If it is to reaffirm good soldiers, certainly we must do that because I applaud them as well. But I believe Secretary Rumsfeld needs to come home, and I have already expressed my opinion of his need to resign or be terminated.

But I believe the administration has a duty to go forward with a full investigation into the matter dealing with the prisoner.

Lastly, we must have a complete investigation into the use of women in combat and the sexual promiscuity that is going on, the increased incidence of rape of female combat persons in Iraq, and the question of whether or not nudity and other sexual abuse is proliferating throughout the United States military. I want a full investigation, and I believe we can do no less than to undo what has been done to ruin the reputation of Americans and others.

CONGRESS IS NOT A RUBBER STAMP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, today the Committee on International Relations had a hearing on the Iraq transition. Actually, it was not so much a hearing as a briefing. While interesting, the real need for the Committee on International Relations and other committees of appropriate jurisdiction is policy development and oversight. I hoped ours would be the first in a series of oversight on the war in Iraq and the war on terrorism.

Deferring to the administration might have been understandable, if questionable, in the aftermath of September 11, but certainly not today. Congress cannot afford to be a rubber stamp, nor can we continue to rely on the media to embarrass us to action.

□ 1815

Had we held today's hearing 2 years ago, Iraq, our troops, the world and American taxpayers would be better off today. We would have clarified that the challenge was never to win the battle and remove Saddam Hussein. That was a given, once the might of the United States was unleashed. The real challenge was winning the peace. For that, sadly, the leadership of the United States was unprepared.

I will in the course of the official record submit questions for response from the Department of Defense and the Department of State, issues like the status of the new United Nations Security Council resolution, or getting the international donors to deliver the \$2 billion in outstanding pledges, and whether the United States is going to shortchange Iraq's needs after the transition to sovereignty like we have in Afghanistan.

The most important question, however, for us as a committee and for individual Members of Congress is to see if we can play a role in improving this situation. Can we help the President, who is unable to think of any mistakes, understand, admit and even be candid about where he and his team have fallen short of the mark? Can we provide to the American public real budget numbers as we clearly see now a \$300 billion price tag emerging?

The public demands an open and honest budget process. Can committees make it easier to get rid of the architects of this failed policy? Can we help place less emphasis on the shadowy military contractors and more emphasis on working through the nongovernmental organization community? I would note as an example the Mercy Corps operation, extraordinarily cost efficient and extremely effective in working with foreign nationals in trouble spots around the world. To the extent that we continue to use military contractors, can we in Congress rethink how it happens, clear up the ambiguities in law and policy and to have, finally, rigorous standards for performance and cost accountability? Can we help the administration avoid using artificial deadlines for key governance decisions based on our political calendar in the United States? Can

we help train attention on the real threat, after all, which is global terror? Can we focus our resources and attention away from things that are, if not positively loopy, at least very low priority, like national missile defense, to have priority placed on homeland security and finishing the job in Afghanistan?

It is time for this Congress to act like a coequal branch of government. Had we been doing that since September 11, we would have saved money, saved lives and enhanced our legitimacy and effectiveness around the world. Indeed, that world, Iraq and our troops all need us to do our job. Even the administration, while it may not recognize it, will be better off if Congress does its job.

Today Secretary Grossman said that he appreciated references about American staying power in Iraq. I would say that the real key to staying power is the trust and confidence of the American people. The administration's performance and inability to acknowledge its mistakes is undercutting the confidence of the people I represent and the people I meet from around the country. I hope our International Relations Committee and other relevant committees in Congress do their job to help rebuild the confidence, so badly shaken, of the American people.

The SPEAKER pro tempore (Mr. CHOCOLA). Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

(Ms. CORRINE BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ABUSE OF IRAQI PRISONERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Virginia. Mr. Speaker, we are all deeply troubled by the graphic pictures which show U.S. military service members humiliating, torturing and sexually abusing Iraqi prisoners. The reports that U.S. military police and intelligence personnel violated the most basic standards of moral conduct in addition to the established tenets of the Geneva Convention relative to the treatment of prisoners of war have ignited outrage within this country and throughout the rest of the world. This situation has tarnished America's reputation as a guardian of individual civil liberties and as a protector of human rights. While the vast majority of our soldiers are doing their duty with dignity and with honor, the grotesque abuses of Iraqi prisoners are truly un-American. They go against everything our country stands for and holds dear. The images of these abuses are also a major setback in our war against terrorism. Our standing in the

Arab world has been seriously undermined as a result of what happened at Abu Ghraib.

As a member of the Defense Appropriations Subcommittee, I have listened to the testimony and heard the explanations of the highest Pentagon leadership as to the abuses of Iraqi prisoners, but I am not convinced that these abuses are an isolated incident involving a few military members. The likelihood is that the lack of supervision that allowed them to occur may in fact be systemic, at least in some parts of the military intelligence and military police commands.

This crisis must be immediately dealt with through a full-fledged investigation into the breakdown of military regulations and the possibility of widespread prison abuse. Furthermore, the individuals responsible for perpetrating the abuses as well as their commanding officers must be held accountable for criminal wrongdoing. I do believe that accountability, however, should extend considerably beyond the prosecution of a handful of aberrant military personnel, private contractors and their supervisors. Responsibility starts at the top.

With the existence of additional photos and videos of Iraqi detainees still unreleased, it is likely that this crisis will not soon go away. The transfer of Iraqi sovereignty is set to occur on June 30. The Bush administration must drastically repair our standing in Iraq as well as with the rest of the world before we can responsibly extricate ourselves from this foreign policy blunder.

I emphasize foreign policy as opposed to military policy. Our military accomplished their objective nearly flawlessly by liberating the Iraqi people from Saddam Hussein's tyranny. But they were not prepared to be long-term occupiers. That should never be their role nor our national mission. The lack of a realistic exit strategy is one of the reasons that I so strongly opposed this preemptive and unilateral invasion.

Mr. Speaker, our mission in Iraq is at a crossroads. Our soldiers are struggling to complete their missions without the proper training or resources or support. The barbaric murder of Nicholas Berg clearly demonstrates the depth of the resistance we face. The murder of Nicholas Berg was a monstrous act for which there is no justification. Our thoughts and our prayers are with his family. America's soldiers, in fact, are serving with honor. We stand behind our courageous men and women in uniform who are bearing the burden for this military action in Iraq, and we are deeply grateful for their patriotism, their courage and their sacrifice. But the security situation in Iraq has deteriorated rather than improved. Last month, we lost more soldiers in one month than at any time since the war began.

Mr. Speaker, our military was sent into battle without the right equipment or the necessary support. Helicopter pilots have flown battlefield

missions without the best available antimissile systems. According to a DOD commission report, roughly one-fourth of coalition deaths have occurred as a result of attacks on unarmored vehicles, because we do not have enough armored vehicles to go around. And our failure to forge a true coalition has forced thousands in the National Guard and Reserves to be away from their families and from their jobs for more than a year with no end in sight.

Mr. Speaker, a failure to condemn what is wrong is a failure to recognize what is right. Recently, a former leader of the 372nd Military Police Company stated that minimizing the conduct of these MPs that were responsible for the prison abuse by comparing it to the reckless and violent acts of the Iraqi insurgents is wholly beside the point. We must compare our actions to those of the men and women who have honorably served this country. We have to stand up for our standard of decency that we have set for the rest of the world and stand up to the enemies of freedom.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. RYAN) is recognized for 5 minutes.

(Mr. RYAN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SUDAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PAYNE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PAYNE. Mr. Speaker, I want to take time this evening to talk about a very serious situation occurring in Africa as we speak, a situation of ethnic cleansing in Darfur, Sudan, and Sudan's vicious campaign of terror which it is raining on its people.

Mr. Speaker, in June 2001, I came to this floor to speak about slavery and genocide perpetrated against the people of southern Sudan. I said then that innocent civilians are the victims in this war. We are well aware of the number of people killed, maimed, displaced and enslaved during that terrible conflict, which still goes on. Yet we as members of the international community failed to do the right thing, to end the suffering. In the north-south conflict, more than 2 million people perished and an estimated 5 million people have been displaced during the 40 years of this dread conflict. It is the same government that terrorized, enslaved and killed innocent civilians in the southern Sudan and the Nuba that is now yet again engaged in a terror campaign in Darfur in western Sudan.

When we thought that things were going well with the Sudan Peace Act

and that negotiations between the Government of Sudan and the SPLM, Dr. John Garang's forces, and that there had been efforts in time and energy put in by negotiators, then we see that this pariah government in Khartoum simply cannot help itself and now have unleashed the same reign of terror now on the west which it had done in the south. The National Islamic Front government is solely responsible for the current atrocities in Darfur. In just the last 12 months, the National Islamic Front government of Sudan and its allied militia, the Janjaweed, displaced more than 1 million people, forced over 110,000 people into Chad, and killed more than 10,000 innocent civilians. Government troops and their allied militia raped, tortured, maimed and burned entire villages in a deliberate and systematic manner to cleanse the area of African Muslims.

Up to now, the conflict was supposed to be between the Arab north trying to push Shiria and Islamic government onto the people of the south who were Christians and animists, and it was then supposed to be a war that lines were drawn by virtue of religion, which is also a horrible thing to do. However, the new battle is that the people in the west are also Islamic. They are Muslims. The excuse of religious differences does not hold water, although it never should have been raised in the first place. And so now you have the Islamic government of Khartoum attacking, maiming, killing, raping, burning villages of other Islamic people in the west.

□ 1830

What are the differences in these? They are all the same religion. But there is a marked difference. Because the Arab Muslims of the north are different than the African black Muslims in the west, and so it cannot be religious cleansing. It has to only be ethnic cleansing where black followers of Islam are being systematically pushed out and ethnically cleansed by the Arab Government of Sudan. So regardless of what we do in the next several months, more people will die from disease and hunger. Why? Because we have a genocidal government bent on destruction and mayhem.

Mr. Speaker, this is the same government that gave sanctuary to Osama bin Laden from 1991 to 1996, allowing him to build his terror network worldwide. The bombings of our embassies in Nairobi, Kenya, and Dar es Salaam in Tanzania was planned right there in Sudan by al Qaeda forces of Osama bin Laden, harbored and protected by the Government of Sudan, allowed to strengthen himself and to develop a worldwide network as he recruited people to be a part of his al Qaeda network. Other terrorists acts are also linked to Osama bin Laden because there were a number of terrorist acts that were going on at that time.

Mr. Speaker, what is stunning to me is that not a single senior official has

been removed from power in the Government of Sudan or has gone to jail because of involvement in or support of terrorist activities. It is important to recall that the Government of Sudan's involvement in international terrorism goes back over a decade. Sudanese officials were involved directly or indirectly in the first World Trade bombing in 1993 in New York. The mastermind of the 1993 bombing, Shiekh Abdel Rahman, who was sentenced to life in 1995, received his visa in Khartoum, Sudan, and reportedly was a guest of a senior Sudanese government official for several weeks. Of the 15 men indicted for the terror act, five are Sudanese nationalists. These Sudanese nationalists have strong ties with Sudanese diplomats stationed at the time in New York in the Sudanese embassy at the United Nations.

Mr. Speaker, in 1995 members of an Egyptian terrorist group tried to assassinate President Hosni Mubarak of Egypt while he was in Ethiopia for an OAU, Organization of African Unity, summit. The 11-man assassination team that had been given safe haven in Sudan so that they could prepare for this attempted assassination were there, and their plans to kill the Egyptian President were created and planned there. The weapons used in the assassination attempt were reportedly flown into Ethiopia by Sudan Airways. The passports used by assassins were also prepared in Khartoum, according to a United Nations report.

Why is this relevant to Darfur? It is relevant because there is a clear pattern of behavior by this regime targeting civilians, engaging in terrorist acts and clear patterns of lies and deception. Ethnic cleansing in Darfur occurred while the government was still negotiating with the SPLM in Kenya, negotiating for a peace between the north and the south but still doing the damage to the west as if this act could be disassociated with acceptance of Sudan after peace between the north and the south could be attained. In fact, the mastermind of the Darfur atrocities is the chief government negotiator and First Vice President Taha.

Mr. Speaker, it is important for us to remember that in 1994 the international community watched with utter indifference when 1 million Rwandese were hacked to death in 100 days. The genocide in Darfur occurred while the international community was commemorating the 10th anniversary of the Rwandan genocide. We failed to learn from Rwanda, and we are unlikely to learn from Darfur. The similarities between the Rwandan genocide and Darfur are stunning. In Rwanda the former government of Rwanda and the Rwandan Patriotic Front rebels were negotiating while plans for genocide were underway.

In Sudan, the government was negotiating with the SPLM while its troops were engaged in ethnic cleansing in Darfur. The inaction by the inter-

national community in Darfur was in large part due to protecting the ongoing peace process between the government and the SPLM. So as we watched 10 years ago when the world looked the other way, when the word "genocide" would not be used, when we had repeated letters and calls and television appearances to our government at that time and to those who would listen, we saw that the world turned its back.

And as I continue, I see the chairman of the Congressional Black Caucus, who has come in. The chairman of the Congressional Black Caucus has been doing an outstanding job on all fronts, today commemorating the Brown v. The Board of Education 50 years after, many programs that are to improve the quality of life for all Americans in this country and, in particular, those who are the least among us, those who need the most help, those who are most fragile, and those are people in our rural areas around the country and in our urban centers.

I yield to the gentleman from the State of Maryland (Mr. CUMMINGS), the chairman of the Congressional Black Caucus.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman for yielding to me, and I want to thank the gentleman for his constant vigilance. I have often said that the gentleman from New Jersey is one who understands the dreams of so many around the world and he makes their dreams his dreams, and we know that he represents his district extremely well in New Jersey; but we also know that he spends a significant amount of time trying to address problems all over the world, sometimes taking up the time that he would normally spend with his family and vacation time, going to Africa, trying to resolve differences between various peoples, trying to make sure that children and others are fed, trying to make sure that peace is brought to that land.

So we take a moment, I take my moment here, to salute him and to thank him for his leadership. I think that when history is written and the history of Africa is written, it would have to have the gentleman from New Jersey's (Mr. PAYNE) name written there in a lot of places because he certainly has touched so many people and so many people who will probably never say thank you, so many people who will not even know that he has touched their lives. But as I have said about him so often, sometimes we are unapplauded, unappreciated, unseen, and unnoticed. And I just want him to know on behalf of all those that he has touched that I take this moment to salute him.

Mr. Speaker, I want to rise this evening with my fellow members on the Congressional Black Caucus to shed a light on the horrific humanitarian crisis that the gentleman from New Jersey (Mr. PAYNE) has been talking about which is taking place in Sudan.

Mr. Speaker, although most people are probably unable to locate this

country on the map, everyone should care about the ethnic cleansing that has dislocated over 1 million Sudanese, killed thousands of Africans, and is literally starving men, women, and children to death. Essentially, the Arab Muslim government in Sudan is condoning and even promoting the murder and displacement of the native Black African Sudanese. As I speak, the Sudanese Government is supporting armed militias that are raiding villages, raping women, and literally killing everyone in sight. The basis of the blood shed in Darfur, a region of Sudan, is one that has been repeated time and time again throughout history. Clearly, at the root of this ethnic cleansing lies the stubborn existence of intolerance and prejudice. When will we, as a global community, learn that we promote bigotry at our own peril?

Mr. Speaker, the conflict in Sudan is further complicated by the fact that those who survive the attacks of these militiamen are fleeing over the border into the country of Chad. Women, children, and fathers are being forced to leave their homes and to move to refugee camps where there are no doctors, no permanent shelter, and no food.

It is a travesty of humanity, Mr. Speaker, that children in these camps are dying of preventable diseases or, worse yet, diseases like diarrhea and malnutrition that can easily be cured with a little food and a little water.

Mr. Speaker, it is important for the American people to understand that what is taking place in this often-neglected corner of the world is moving closer and closer towards being described as a genocide.

It is quite ironic that this year marked the 10th anniversary of the tragic genocide that took place in Rwanda. The world stood idly by as the Rwandan Tutsis and Hutus massacred one another openly in the streets. The world stood idle as the Germans attempted to exterminate the Jews in the Holocaust. And the world stood idle as Europeans enslaved Africans and ravaged their society. In hindsight, we look at these atrocities and wonder how would silence prevail in the presence of human suffering.

Mr. Speaker, I beg the world community to please let this not be one of those situations that we reflect upon years from now and say we should have done more, we could have done more. Let us all work together to stop the suffering now. If not, we will be raising a world of children who will grow insensitive and immune to human tragedy. They will view murder as an everyday occurrence and joyously welcome death as an end to suffering.

Mr. Speaker, just last week the Congressional Black Caucus had a very substantive and productive meeting with Secretary of State Colin Powell. During our meeting, the gentleman from New Jersey (Mr. PAYNE) asked the Secretary about the United States's efforts to end the crisis in Darfur. Secretary Powell assured the entire cau-

cus that the State Department was working to bring peace to the region and was actively engaged in resolving the crisis. But, Mr. Speaker, so long as people continue to die and children lack the hydration in their bodies to shed tears, whatever we are doing is simply not enough; and we must work faster.

It is incumbent upon the United States as a global leader to lead a massive humanitarian intervention similar to the intervention in Congo in 1994 and Somalia in 1992.

And for those watching in the world community, I call on the Government of Sudan to immediately stop the bloodshed, stop supporting the janjaweed militias, and enforce the cease-fire in Darfur that was reached last month.

Mr. Speaker, all too often it is easy for us to distance ourselves from the plight of people thousands of miles away. But just as the pictures of the abused Iraqi prisoners struck a chord of disgust and anguish in all of us, we should all be outraged and horrified by what is taking place in Darfur.

Just picture, Mr. Speaker, thousands of Sudanese fleeing to Chad, a country with only 271 doctors to serve 9 million people. Imagine the grief and sorrow they must feel daily at the memory of their children, grandmothers, and husbands that were killed by the janjaweed militias or left behind in villages that they will never see again.

Mr. Speaker, if you could, feel their hunger pain and hear the cries of the parents who look for food for their children in vain. Although we may not have seen physical pictures of what is taking place in Darfur, as humans we should be able to relate to the pain of the Sudanese refugees nonetheless. Let us all work together to transfer our empathy into action and end this crisis now. Our humanity depends on it.

As I close, I would also like to encourage our newspaper editors, television producers, and friends in the media to shine a bright light on this horrific situation.

□ 1845

Put it on your front pages. Lead with it on your news shows. Talk about it on your talk radio shows. We need everybody to join in this effort.

Mr. PAYNE. Mr. Speaker, reclaiming my time, I thank the gentleman very much. Let me thank him for his compliment and for his very thoughtful presentation. As I have indicated, the gentleman has really been a beacon of light for the Congressional Black Caucus, and we follow his leadership with pride and with dignity for the justice that he has laid out for this Nation.

I would like to yield to the gentleman from Texas (Ms. JACKSON-LEE), a person who has fought for justice, not only here in the U.S. and in her State of Texas and Houston, but has traveled throughout the world; whether it is Iraqi women that she is fighting for, or the rights of African women to have

property rights and to have the rights of what women throughout the world are looking for, but also on general issues of just humanitarian importance.

With that, I yield to the gentleman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think this is one of the more important Special Orders that we have had an opportunity to participate in, and it is because of the gentleman's vision we have been called to the floor to really stop, if you will, the ethnic cleansing and the horrific results of what appears to be, again, a tragedy in the works of an enormous magnitude.

Let me add my appreciation that has been rendered by the gentleman from Maryland (Chairman CUMMINGS) to thank the gentleman for really having the focus on the continent of Africa, along with many, many other issues dealing with the need for humanitarian relief and focus.

I think it is important to note, for this body to be aware, of the pivotal road the gentleman played relating to Eritrea and Ethiopia, we had an opportunity to discuss that just a few days ago, and as well for this body to know of the very vital role that the gentleman plays with the United Nations.

I have heard extensive discussions on this floor about the United Nations, some of it worthy of repeating, much of it not; and I think what the gentleman has been able to do for this Congress is to be a bridge to the United Nations.

We spent, as the gentleman can recall, Friday at the United Nations, and I think if I could deviate for a moment, because I want to encourage the United Nations, as the gentleman did, to get involved in Sudan. I believe it is imperative.

As I recall, one of the ranking members of the United Nations hierarchy was being dispatched as we spoke to the Sudan to try to engage, because, as the gentleman knows, it was noted they were not there as maybe they should be. The gentleman was there to press the point that they should be there.

But I also know we discussed the Oil for Food program, and I just think for a moment it is important to note that the United Nations is likewise ashamed or concerned about what that program turned into. I think this body needs to be aware that they are doing their own investigation, and the gentleman is pressing them to get to the truth of this program. But I would hope that we would not discard the United Nations for an effort that other nations supported, and that maybe we should just reconsider the value of sanctions, as they have asked us to work with them on, that they be pointed toward the government, and not so much toward the people.

But the reason why the gentleman has brought us here today, and the reason why I thank the gentleman from Maryland (Chairman CUMMINGS), and as well as the gentleman noted the

fact, that he has not only been given to great leadership, but he has focused the caucus on international issues. We just cannot live in this country without being focused on international issues.

So I want to remind our colleagues why the gentleman's message is so important today, because I will say to the gentleman that I believe I will always, always be reminded of Rwanda. I will never, never forget Rwanda. I think this Nation and this world will never live Rwanda down.

We are grateful for some of the progress that the state of Rwanda is now making. But seeing some of the victims, survivors of that purge, ethnic cleansing, that conflict that seemed to be submerged, and then as our eyes began to open, and I will not say, I am not castigating, I know there were many pressing the point, and we know the Congressional Black Caucus went on record and literally asked this Nation to take a stand. And I would imagine that those in power at the time will even tell you they are remorseful of what happened and that they did not act soon. Because 1 million-plus, and I would almost say we do not have the final count, we do not know how many died. We know it is claimed to have been 1 million, and we realize that it is still a fragile situation. But the world did not act, and 1 million people were killed.

But I think as the gentleman has described and as the chairman has described, one really needs to know what bludgeoning and mutilation and raping, pillaging villages and scattering innocent children, and hunger, devastation, is all about, and disease taking hold. Or people coming into villages and seeing piles and piles of bodies that have to ultimately be burned because you cannot bury them. That is what Rwanda was all about.

The gentleman knows that we did not stop a moment when they came to us on the Kosovo situation, the ethnic cleansing. We rallied everyone. And many of us went to Albania and Kosovo and saw the refugee camps. But we acted; NATO acted. But we did not act in Rwanda.

I know that we could have the same occurrence in Sudan. It only takes a blink of an eye. We could have this situation implode on us. I know it is happening in the gentleman's community. I know many in the Christian faith have been talking about Sudan and have been talking being about this from a Christian-Muslim perspective, and the Christians are being the ones attacked. We have now gotten to the point where it is dividing the country by way of North-South, or black Africa versus the Muslims and Arabs.

I know my good friends in the Arab community, in fact I have spoken to President Bouteflika, and I know the gentleman indicated he worked hard on other issues with him, Ethiopia, Eritrea. But he considers himself part of Africa, and Algeria is part of Africa; and he wants this cohesiveness with

the continent. He does not want Arabs and black Africans or sub-Saharan Africa and Northern Africa. He wants the new Africa.

What we must say to the Sudanese leaders in government now, and what I have heard the gentleman say, how they can distinguish themselves, it is not the government, it is somebody else.

Well, my friends, as we have come to understand in Iraq, it is not somebody else; it is the government of the United States that has to be responsible for the abuse of prisoners in Iraq. It is the government of the United States that has to be responsible for the status of Iraq right now. And it is the government in Sudan that has to take responsibility.

I will join the gentleman, whether it is quietly or whether it is pronounced, to encourage our brothers and sisters who are leaders in Africa to be able to embrace the tragedy that is occurring, and that is the fact, as has been noted, 15,000 or more may be on the border at Chad now, and there may be more coming. Disease is rampant. There are not enough doctors to be able to take care of the diseased persons. Babies are dying for lack of nutrition and water. We have villages that are burning as we speak. I imagine people are being killed along the way and cannot be buried.

That creates disease. Farmers are losing their equipment, whether it is a hoe or an animal that is starving, so they cannot produce food; and they cannot eat food because the animals they eat are being killed.

I cannot imagine that we could sit by again to have someone tell us next week or in June or in the fall or next year that more than 1 million were killed in this battle.

To be honest, I am going to be like most Americans. I do not know what they are fighting about. I find it despicable. But I do know that they are living in a land area that all of them, both Arabs and black Africans, have a stake in. They are stakeholders. They all have claimed the Sudan as their area, and it is now a state.

So it seems to me they would find a way, that the government finds a way, to create the safety for all of the people, no matter whether they desire to be called an Arab or whether they desire to be called Sudanese or a black African.

I would simply ask that this not be forgotten. I spoke today earlier about our plight in Iraq; and, of course, we know that the important thing to do is to heal this and fix it, and this Congress has to fix it.

I believe they should fix it through the gentleman's committee, the Committee on International Relations, through the Committee on the Judiciary, through the Permanent Select Committee on Intelligence. I believe no investigation is too many investigations, because it is not fixed.

As we have to fix that problem and investigate those charges and not di-

minish nudity and abuse as "it is not that bad" and discount the rapes that are going on in Iraq of military women, discount the sexual abuse that was showing and glaring in that video and those pictures, we cannot allow the world, nor can America disown what is happening in Sudan.

I would like to join the gentleman in his plea to the leaders of this continent, and I would like to applaud the gentleman for bringing this to the attention of Secretary of State Powell, just as we brought to his attention the plight of Haitians. The one thing that the Congressional Black Caucus has been unified on at all occasions is the humanitarian aid and relief to people who are dying and starving.

So our Members should be reminded by this Special Order and the gentleman's leadership, and we join in that leadership to include Haiti and humanitarian aid that is needed, and to stop the killing that is going on there and, if you will, the disenfranchising of the Lavalas Party and whatever the confusion is, where one is in and one is out. We are looking for democracy, where all are in and all have a chance to participate and elect a duly elected government.

What we want in the Sudan, first of all, is to stop the killing, to allow people to stay within the borders of their nation, to be able to have the villagers go back to their villages, and have the government of Sudan take responsibility to save their lives.

I thank the gentleman for allowing me to join him. I was so distraught on what is happening in Sudan and with the backdrop of what I will never forget, Rwanda, that I believe we are compelled, we are actually compelled to act. The gentleman is a leader in that.

Would the gentleman mind me taking a moment of personal privilege not directly on this topic, and to thank him for his leadership on the Committee on Education and the Workforce as we moved the Brown v. Board of Education resolution along with yourself, the gentleman from Michigan (Mr. CONYERS), and the gentlewoman from California (Ms. LORETTA SANCHEZ).

Maybe it sounds disconnected, but Brown has been described as many things. I guess it is symbolic that separate and equal cannot stand. It is separate and unequal. But I think its key element is that of activism and being active.

Though it was a domestic issue of acting to provide quality in education, the message we are giving tonight is that we must act; it is imperative that we act. I join the gentleman in acting, and I thank him for his leadership.

Mr. PAYNE. Mr. Speaker, reclaiming my time, let me take this opportunity to thank the gentlewoman for her very profound remarks. It is connected. I think that all that we do is connected. I think that the gentlewoman's wisdom and her interest, her knowledge, is certainly a great tribute to us here in the halls of Congress.

□ 1900

The thoroughness of the gentlewoman's evaluations are always appreciated. The gentlewoman is absolutely right. President Bouteflika said that we are part of Africa, we are not North Africa. But the Europeans decided to divide Africa. They said Africa was not one continent. You had North Africa and you had sub-Saharan Africa.

So it is one continent. We have two countries, major countries in the Western Hemisphere, we have Canada and we have the United States, but no one has separated the continent artificially. It is all North America. Africa is North Africa, a separate place, and when I was a kid it was Asia Minor, but they decided to call that the Middle East now, I guess. So we have to try to keep up with those who try to define us.

We should not let other people define us, just as today they say liberals are bad. They are the ones who are what our country should not be about. I am proud to be a liberal. I think that is what made our country strong and great. I think a liberal is a person who worries about their neighbor, wants a strong defense, wants to provide for the common defense, but also to promote the general welfare. And so until we allow ourselves to not categorize ourselves, we have to stand tall.

So once again, let me thank the gentlewoman for her remarks.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentleman will yield for a moment again, I mentioned, and I know that the gentleman has heard from them, because I believe they have been engaged in this over the years, the Christian community. They have done missionary work, they have been promoting Christianity in Sudan, and that certainly has rocked some of the order, but they have every right to be there, and they are Republicans and Democrats.

Mr. PAYNE. That is right.

Ms. JACKSON-LEE of Texas. This is, I think what the gentleman is saying, a bipartisan issue. This is an issue that draws on the very heartstrings of this Congress. I believe the gentleman has a resolution, if I am not mistaken, that would call on this Congress to go on record. I enthusiastically support it. But it should be moved to the front of the line, and to be assured, if my memory serves me. I am not sure if we have already passed it, but I think not.

Mr. PAYNE. No, we have not.

Ms. JACKSON-LEE of Texas. So I am making the statement today that we need to move this to the front of the line, because I am told as we visit with heads of State on these issues, when that vote comes through, we can be assured that through electronic media, electronic dissemination, it is known, and it gives a resounding sound that we are paying attention to that issue. And I cannot imagine, just as the Brown v. Board of Education resolution was offered today, in looking to Monday, the 50th anniversary, because of the im-

mediacy of it, we had the kindness of the leadership of this House to debate this and have a unanimous voice to support this legislation. I cannot imagine that we would have anyone turned away, or turn away from; all we need is to go to the floor and say Rwanda, because there are many who are now wishing that we had acted in the manner that would have caused a pause in the slaughter that was going on.

I deviate for one moment, because both of us were smiling; we both met Mr. Stokes who, I am going back to the Brown v. Board of Education, and this is a gentleman who came out of Prince Edward County in Virginia, and was an actual student who organized to say that separate and unequal is certainly not tolerable. We find now that he has come full circle to say that the people who were shut out of school did not even get their education. He is an activist again. He is rising again to activate for those students who were cut out of school from 1959 to 1964 for them to be able to go back to school.

I just want to note that I will ask the gentleman to join me on a resolution that is going to applaud that work and try to assist them in getting that kind of help in Virginia, to be able to have those throngs of individuals go back into school and get their degree. I only cite him because I was so moved by his testimony and his statement, but he was being active.

Mr. PAYNE. That is right.

Ms. JACKSON-LEE of Texas. What we need now by this body beyond this Special Order is an immediate action. I have seen a lot of bills come to suspension, and I believe the gentleman's resolution warrants the waiving of regular order. I am not sure if the gentleman has had hearings yet, I do not want to step on toes, but if not, I would almost say that both of the gentleman's chairpersons would welcome the moving of this document if the gentleman suggested that that is the appropriate way to proceed, and certainly we would follow the gentleman's leadership. But this is a crisis of great moment, and I hope they will listen to the gentleman and listen as we have spoken tonight to try to save the lives of Sudan.

I thank the gentleman for yielding to me; I just wanted to make mention of the work that the gentleman has done.

Mr. PAYNE. Again, Mr. Speaker, I appreciate the gentlewoman's remarks. It is something that has been overlooked for 5 years, that people in Prince George's County were unable to go to school from 1959 to 1964 when the public schools were privatized and black children just had no school to go to for 5 years.

Mr. Speaker, as we continue to focus on the problem, these atrocities were well documented. Just recently a United Nations Human Rights Commission concluded just a few days ago, I heard the report at the Security Council on Friday where this report was given, and I too have to say that without the United Nations I think that

this world would be in a much worse place. I hear people trivialize the United Nations. I hear people talk about the fact that they are not needed. I think that it shows the ignorance of many of the Members of this House that have no clue as to the tremendous asset that the United Nations has provided. They pushed inoculations worldwide, they have seen polio almost eradicated through cooperation. We have seen all kinds of health issues taken away. We have seen peace in many, many countries by virtue of the United Nations stepping in, whether it was Sierra Leone and whether it was Liberia, whether it was with the United Nations and NATO in Kosovo, whether it was in East Timor, the country that Indonesia was going to take after the Portuguese released it. It is so many, many places, and I wish that one day we could have a 101 course to many of the Members who just trivialize the United Nations, to really find out what they have done. I think that many of them would be amazed and shocked at how much a better world this is today because the United Nations exists. If not, we would have total anarchy around the world, and at least we have a place where debates can go on and peacekeepers can go out and humanitarians go out. I just cannot for the life of me understand about this trashing of the United Nations. But we have a long way to go in education.

I would like to also say that some of my friends on the other side, the gentleman from Colorado (Mr. TANCREDI) and the gentleman from New Jersey (Mr. SMITH) have all been supportive on the Sudan issue, California (Mr. ROYCE) and Senator BROWNBACK and Senator FRIST. So many have said that this is an issue that we need to take heed of. So it is a bipartisan issue.

But as I was indicating, a recent report by the United Nations Human Rights Commission concluded that the mission was able to identify disturbing patterns of massive human rights violations in Darfur, many of which constitute war crimes and/or crimes against humanity. According to information collected from refugees, it appears that there is a reign of terror in Darfur, the following elements of which should be highlighted.

A, repeated attacks on civilians by the Government of Sudan military and its proxy militia forces, with a view of their displacement. The use of systematic and discriminate aerial bombing and ground attacks on unarmed civilians. And the only planes that are in Sudan are controlled by the Government of Sudan, and they have done systematic bombing. The use of disproportionate force by the government of Sudan and also the Janjaweed force, that the Janjaweed have operated with total impunity. They can just move wherever they want without the government doing anything; actually, even in close coordination with the forces of the Government of Sudan.

The Government of Sudan has said we have nothing to do with it, but their planes dropped the bombs, the weapons come from the Government of Sudan, and they are in close proximity with the Janjaweed who are the militia groups that are terrorizing the people.

The attacks appear to have been ethnically based, with the groups targeted being essentially the following tribes of African origin: The Zaghawa, the Masaalit and the Furs. Men and young boys appear to have been particularly targeted in ground attacks.

The pattern of attacks on civilians, including rapes, pillage, including of livestock, destruction of property, including water supplies. And in May, 2004, the acting High Commissioner reported that attacks against civilians involved the destruction of property, often through burning, as well as the destruction of central supplies such as flour, millet, and other crops. The report stated that a disturbing pattern of disregard for basic principles of human rights and humanitarian law is taking place in Darfur by the armed forces of Sudan and by its proxy militia known as the Janjaweed.

According to Human Rights Watch, the government and its Janjaweed allies have killed thousands of Fur, Masaalit, and Zaghawa, often in cold blood, raped women, destroyed villages. Foodstocks and other supplies essential to the civilian population have been destroyed. They have driven more than 1 million civilians, mostly farmers, into camps and settlements in Darfur where they live on the very edge of survival, hostile to the Janjaweed abuses. More than 110,000 others have fled to neighboring Chad, but the vast majority of war victims remain trapped in Darfur.

Mr. Speaker, we have lost tens of thousands of civilians already and many more will die in the coming months. We must do everything possible to save lives and bring justice to those responsible for the atrocities in Darfur. The United States must lead a massive international intervention in Darfur before it is too late. We should utilize all available means to deliver much-needed humanitarian assistance in Darfur.

Mr. Speaker, we must also hold those responsible accountable. An international tribunal for Darfur must be created. In the meantime, the Bush administration must impose targeted sanctions, including travel ban and freezing of assets against individuals responsible for Darfur's atrocities. Targeted sanctions will punish those directly responsible by avoiding collective punishment.

Mr. Speaker, based on the extensive research and consultation with government officials and regional actors, we have been able to put together a list of individuals directly responsible for the atrocities in Darfur, and this was done by very careful investigation right there on the ground.

These individuals directly responsible for the atrocities include, in the

first category, top Government of Sudan officials who are supervising and controlling Janjaweed activities and operations, including the following: Ali Osman Taha, First Vice President; Major General Salah Abdalla Ghosh, Director General, Government of Sudan security; Dr. Nafie Ali Nafie, former external Intelligence Chief; Major General Al Tayeb Mohammed Hheir, Presidential Security Advisor; Abdalhamid Musa Kasha, Minister of Commerce; Abdalrahim Mohammed Hussein, Minister of Interior; Major General Adam Hamid Musa, State Governor, southern Darfur; Brigadier Mohamed Ahmed Ali, Riot Police Director, led police attacks on internally displaced persons at Mayo Camp right out in Khartoum in mid-March; Mohamed Yousef Abdala, Humanitarian Affairs State Minister; Abdalla Safi el Nur, Cabinet Minister and General Coordinator of Janjaweed.

In the category right below that is the Command Coordination and Command Council of the Janjaweed.

□ 1915

Lieutenant Colonel Sukeirtalah, leader of Janjaweed-Geneina; Ahmed Mohammed Harun, commander, State Minister of Interior; Osman yusif Kibir, State governor Darfur; El Tahir Hassan Abbud, NCP; Mohammed Salih Al Sunusi Baraka, member of the National Assembly; Mohammed Yusif El Tileit, Western Darfur State minister; Major General Hussein Abdalla Jibril, member of the National Assembly.

Right in the field command in the third category: Brigadier Musa Hilal; Brigadier Hamid Dhawai; Brigadier Abdal Wahid, Kabkabiya sector; Brigadier Mohammed Ibrahim Ginesto; Major Hussein Tangos; Major Omer Baabas.

I believe that these people should be investigated by a tribunal because there are thousands of refugees who have nowhere to go now but to live in makeshift huts. They have no health care. Children are dying of diarrhea and malnutrition, and U.S. officials are desperately trying to solidify a ceasefire to get aid to these people, and they are very inaccessible.

In several weeks, the rainy season will come the early part of June and flood much of the area, making humanitarian delivery nearly impossible. Children are dying already and will continue to die of preventable causes, like diarrhea for lack of water and health care.

One hundred thousand have gone to Chad. The whole country of Chad has 271 doctors for a population of approximately 9 million people. So they are in no shape to be giving assistance, medical assistance to these influx of refugees. In the north there is not even a doctor or a nurse, just one medical technician who is only qualified to hand out basic drugs.

The International Red Cross said there is severe malnutrition, but the newly set-up health facility is at least

5 hours' drive from the nearest facility to get materials and medicines to the people.

These people say that they had a decent life in Darfur until the Arab Sudanese Government went to war against this region's indigenous African people. It is mentioned that Sudanese aircraft bombed the village and then the militias came on horseback to burn down houses and commit atrocities and human rights abuses.

Rape is being used as a weapon of war, where women and young girls are brutally targeted.

Every week, many people continue to cross the border to Chad because they are fleeing the campaign of ethnic cleansing conducted by the Sudanese Army and its marauding militia called the Janjaweed.

Thousands of Sudanese villagers have been killed according to American and other human rights officials. Hundreds of thousands more lives hang in the balance.

Darfur is not accessible to outsiders. We have seen some pictures that show burned-down villages by overhead aircraft that have been taken; and so, once again, the U.N. is ready to go in. The U.N. must be sure that they take all means necessary to attempt to get to these very fragile people.

So as I conclude, I hope that the world is listening. I hope that we can get our media, our newspapers to focus in on the problem in Darfur. We often see the press cover problems in Europe. As we said, in Bosnia and Kosovo we saw NATO and many people come to their defense. However, in Rwanda 10 years ago, with close to a million people dying from genocide, we all looked the other way, and now in Darfur.

Is the life of a black person in Sudan or in Rwanda any less than a European life or an Asian life? Of course, we all know that the question is no. We are all made in the image and likeness of God. We are all one people. We are all one in this life that God has given to us, and we all deserve the right to freedom, justice, equality.

So as I conclude, I would like to thank those Members that came down to express their thoughts. I will continue to talk about the atrocities in Sudan until we get the proper response by our country and by countries around the world. It is a tragedy in front of us, and we should do everything within our power to see that it ends.

HUMAN RIGHTS VIOLATIONS

The SPEAKER pro tempore (Mr. CHOCOLA). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Mexico (Mr. PEARCE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PEARCE. Mr. Speaker, I would like to visit tonight and talk about Iraq and perceptions about Iraq; but before I start, I would like to commend the gentleman from New Jersey (Mr.

PAYNE) for bringing to the floor this subject of the human rights violations, the countless deaths in the Sudan and other African countries.

Mr. Speaker, I am going to draw conclusions that may differ from my colleagues, but I would explain to this House that his perceptions and my perceptions about what is going on in Africa are very similar, and I appreciate his heartfelt contending on behalf of them.

Mr. Speaker, I looked at the photographs that America has been looking at and saw the expanded group of photos, and they were startling and disappointing. America and the President have apologized, but the silence that comes from the rest of the world over the beheading of Nick Berg parallels the silence that I hear from the rest of the world about the Sudan and about Rwanda.

Mr. Speaker, it was not the newspapers that first drew my attention to Rwanda years ago. It was my pastor at a local church speaking up about the killings of hundreds of thousands in that country.

I was in Vietnam in the 1970s, 1971, 1972, part of 1973 and part of 1974; and we were aware of some of the things that were going on in Cambodia then and later, but the world was silent; and I share with my colleagues, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Maryland (Mr. CUMMINGS) and the gentlewoman from Texas (Ms. JACKSON-LEE), the concern that no one speaks, that our press holds its force silent.

Mr. Speaker, weekly I have my secretary print out a Web site called the Voice of the Martyrs that explains killings daily around the world unjustly and in the dark of the night simply because someone has the power to kill and torture and maim without consequence. Mr. Speaker, we must lend our voices to those injustices because the people who will suffer the most are going to be the least among us.

The powerful, the rich, no matter what country, they will always have their way. They will always have the representation, but the last great hope for humanity is in this country where the rule of law stands and where our Constitution gives rights because the guaranteeing of those rights encourages those without political power and those without family connections, and so I thank the gentleman for his comments tonight.

The examples of terrorism that exist around the world at this time and in the past will cause us to blanch in horror. The risks to humanity are extreme. The financial devastation is great.

In Lebanon, the trading and banking center of the Middle East was destroyed by the PLO and Hezbollah with Iranian and Syrian funding and support.

Terrorism has caused difficulties in El Salvador. It has been the victim of

Farabundo Marti National Liberation terrorists for over a decade and a half. The FMNL and their allies the PLO, Black September, the Red Brigades and the terrorists worldwide bombed thousands of buses and bridges, assassinated mayors, elected officials and burned villages. They placed landmines in coffee plantations so women and children workers would hopefully not go to work. When they did, their limbs were blown off.

In Afghanistan, the country was destroyed by the Taliban and al Qaeda. Killings and tortures were daily, routine tools of governance.

This is what terror brings to us. Mr. Speaker, this is the reason that I commit myself to a fight against the war on terror because it is the weak, it is the powerless and the innocent who suffer most from terror.

There are those who say that it is simply the United States policies that caused 9/11; and yet to the people who say that it was the United States policies who caused the extremists to attack our World Trade Centers, I ask them what is the policy in Sri Lanka that causes the attack of terrorists? What is the policy in the Philippines and Indonesia that caused terrorist bombings?

Mr. Speaker, we need to remember at this point exactly why we are in the war on terror. It is because of the terrorism. It is because of the output and the effects of terrorism. It is because in this country on 9/11 soccer moms became security moms. Soccer moms began to wonder how safe their children were at school.

Mr. Speaker, families everywhere, whether it is Iraq, Sudan, Rwanda, Chad, Cambodia, families everywhere have a similar hope. They hope that their children will grow up and receive an education, that they will grow up and receive an education in safety knowing that their security is assured.

Mr. Speaker, 9/11 for America changed that fact, but terrorism had taken away the security of much of the world previously. Mr. Speaker, it is my contention that you cannot have freedom, liberty and security at the same time as you have tyranny and terrorism. That, Mr. Speaker, is the reason that we are fighting this war on terror, in my opinion.

For those who wonder exactly what the connection is between Iraq and the war on terror, we are just now learning from Jordan that al Qaeda terrorists planned to use chemical weapons to blow up the U.S. embassy. They were trained in Iraq before we liberated the country last year.

Mr. Speaker, Jay Epstein of The New Republic wrote this week of new and convincing evidence that Mohammed Atta did, in fact, meet with a senior Iraqi intelligence agent in Prague in 2001.

We are fighting the war secondly, Mr. Speaker, because of the consequences of Iraq's continued use of deceit and denial to hide weapons that risk the en-

tire world, but especially the rhetoric and intentions were directed at the United States.

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It is not the policy of this country to wait until the first attack of weapons of mass destruction before we take the necessary steps to stop their proliferation.

Mr. Speaker, when I was in Iraq last year, Mr. Kay explained to us that they had found 35 fermenters, fermenters having two types of activities associated with them: first, the making of biological weapons; and second, the making of chemical weapons. Mr. Kay stated at that point that though they did not have the weapons in their hands at that point, they were within 2 weeks at any point they would want to start making significant weapons.

Thirdly, our critics should look at root causes to understand why we are fighting this war on terror. The entire effort to liberate Iraq and Afghanistan has been to show a different and new future to the Middle East, a future that contains the promise of at least the beginnings of democracy rather than the awful choice between living under a dictatorship or joining the Jihad.

A fourth reason we are fighting the war on terror, Mr. Speaker, is the recognition that 23 other countries have realized we must fight terrorism. Our allies in this coalition, 23 nations, have sent over 25,000 soldiers to help stabilize Iraq in order to allow self-governance to emerge. They have helped us construct schools and telecommunications. Lives have been given by Polish soldiers defending and protecting southern Iraq, in charge of multinational forces working closely with pro-democratic Iraqi forces. British soldiers have defended and protected Basra and Um Qasr. El Salvador soldiers fought and repulsed Sadr terrorists in southern Iraq just a few weeks ago. The Jordanians run the hospitals in Fallujah. Peshmerga Kurds protect and build in northern Iraq. Our Japanese friends have helped in telecommunications and in reconstruction.

It seems as though people in this city tend to forget why we are fighting the war on terror and they tend to believe that this war is like maybe an intramural conflict, a game of tag. Mr. Speaker, the stakes are far higher than that. The stakes literally seem at this moment to be whether the world will remain free or come under the awful persecutions we find in the Sudan, in Rwanda; that we found in Bosnia and Kosovo. The future of the world is hanging in the balance, Mr. Speaker.

Mr. Speaker, I am joined tonight by my colleague, the gentleman from South Carolina (Mr. BARRETT), and I want to yield the floor to him. I appreciate his participation.

Mr. BARRETT of South Carolina. Mr. Speaker, I thank the gentleman from New Mexico for yielding to me and I thank him for all his work.

You know, when he was talking about being in Washington, sometimes,

coming from South Carolina and being in Washington, it seems like a millions miles away from home. Things get convoluted, things get confused, and so many times this town has a different idea about what is going on in the world or what has happened. This past week, Mr. Speaker, I got a letter from Brandon Browlee. Now, Brandon is a fourth grader at Laurens Academy in Laurens, South Carolina, and I want to share this letter with you. I want you just to take a second and listen to this.

This is Brandon talking: When I grow up I'm going to be a South Carolina Law Enforcement Division agent, a SLED agent, and a fighter pilot. I want to be a SLED agent when I'm not at war. I don't care if I die fighting for my country. My family will miss me, but at least I will die with honor and I'm protecting my country. I will send letters every day and we will stay healthy. I will always keep a picture of my family in my jet. I promise to take everybody for a ride, if I can. I will always wear a cross necklace, keep a pocket Bible by my side, and I will send letters to my wife, and she will read them to all of you.

Out of the mouth of babes, I guess we should say. Crystal clear, if you ask me. Crystal clear.

The last couple of weeks have been very trying times. We are dealing with things up here that are taking away our focus, taking away our guidance. This thing is bigger than any scandal could ever possibly be, Mr. Speaker. We are talking about 130,000-plus men and women that are fighting for democracy, fighting for freedom, and fighting for the security of this Nation every day. They are fighting for a way of life and they are fighting for everything that we know in South Carolina to be near and dear to us, and I think about it every day.

I think about my two sons. I have a son that is 14½ and a son that is 12. And if my boys Jeb and Ross are like their father and like their uncle, and like their grandfather and their grandfather's brothers, and like their grandmother's brothers, they will fight. They will wear the uniform and they will sacrifice everything they have to keep this country safe and strong. I think about it every day.

But as sure as I am standing here, as sure as I am in Washington, D.C. and standing in this room, in this hall tonight, if we do not defeat this enemy in the streets of Baghdad, in the streets of Mosul, in the streets of Tikrit, in Afghanistan and wherever, we will fight this enemy in the streets of Atlanta, Georgia, and Chicago, and San Francisco, and Columbia, South Carolina, and Washington, D.C.

When I was in the service, I had the honor of presenting one of my best friend's wives with the flag of this country. Lynn Dial died in a helicopter accident. And I will never look a husband, a wife, a son, or a daughter in the face and tell them that I did not do everything I could possibly do to keep

this country safe and strong, to keep their loved ones safe and strong.

Make no mistake about it, we are going to win this war. And make no mistake about it, we will do everything within our power to keep our country safe and strong. That is what this letter that Brandon wrote did for me. It caused me to refocus. It caused me to understand exactly what is going on and exactly what the stakes are. They could never be higher, and the consequences could never be greater.

I want to thank Brandon, and I want to thank the men and women serving our country today that are giving their all; that are giving in many cases their lives for everything we know and love.

Mr. Speaker, I thank the gentleman from New Mexico for this opportunity and I thank him for his fight. And I want him to know that there are a lot of us out there that are by your side and that will help you every step of the way.

Mr. PEARCE. Mr. Speaker, I thank the gentleman from South Carolina (Mr. BARRETT). He is one of the distinguished colleagues in the freshman class, and I am always pleased to hear his heartfelt conviction as he speaks.

My colleague talked about the fact that we will win this fight. And, Mr. Speaker, there are successes we should be proud of that indicate that we are doing what we set out to do. The American people will not always hear these on the evening news or read them in the newspaper. In fact, Mr. Speaker, when I went to Iraq, when I walked among the young people, our young men and women soldiers, the most frequent question, and not just young soldiers from New Mexico, but as I walked through the assembled dining halls three different days at noon and in the evening, Mr. Speaker, the continuing question, to which I had no answer, was why do my parents not hear the good things we are doing in Iraq on the evening news?

Mr. Speaker, it is the same silence that affects the media that we were talking about earlier, the refusal to carry the actions of astonishing bravery, courage, compassion, valor, and sometimes just the plain steel nerve to be in that foreign land, fighting for a foreign people, and shedding American blood so that Iraqis can be free. Mr. Speaker, that is noble and we are doing an honorable task.

One of the signs of success that I look at, Mr. Speaker, is that we have not been struck since our original attack on 9/11. The second component of success is that the Taliban has been uprooted and moved out of Afghanistan. The al Qaeda is on the move and has stopped training the thousands of terrorists in the training camp that they had set up in Afghanistan. The funding mechanism for the war on terror that existed in Saudi Arabia has been dismantled, Mr. Speaker. Saddam Hussein sits in a jail cell, as do over 40 of his top regime leaders.

But, Mr. Speaker, one of the successes that I count great is that our

friends in Pakistan have picked up the sword against terrorists. They were fighting on one side of the Pakistani border and U.S. troops were on the Afghanistan side of the border and were pinching rebels and terrorists in between us. Mr. Speaker, it is that willingness of other nations in that region that represents some of the most amazing turnarounds in this war on terror.

There are many countries who would expel the terrorists, but they just could not do it by themselves. They did not have the funds or the military strength or the military might, and our participation has given them the will and the way to fight their own war on terror.

Worldwide we are seeing more terror cells interrupted by international law enforcement. Our human information is getting better in this war on terror. Because of an election years ago, we made the decision to take our spying operatives out of the cells and simply rely on eavesdropping and electronic methods of information gathering. But those information-gathering techniques that were stopped under a previous administration led to our blindness, so that we could not know that were going to be hit on 9/11.

Mr. Speaker, that reemergence of human intelligence is one of the most significant things in our finding different weapons in Iraq. Mr. Kay said that many of the scientists said, you will not find weapons of mass destruction until we, until we the Iraqis, are ready for you to find them. It was through their efforts that we did find the 35 fermenters that we have found.

Mr. Speaker, another great success is the fact that Libya simply walked to the table and said we want to give up our weapons of mass destruction; we have them and we want to give them up. Since then, Libya has been removed from the list of state sponsors of terrorism. Members of this House visited Libya, led by my friend, the gentleman from Pennsylvania (Mr. WELDON), a senior member of the House Committee on Armed Services. They listened to Qadhafi himself detail Libya's long and ugly support for international terrorism, and now that has ended.

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Mr. Speaker, some claim that Libya was already prepared to do this, but I say nonsense. Just days prior to the beginning of the war to liberate Iraq, Mr. Qaddafi initiated negotiations; but only after those pictures of the capture of Saddam Hussein were shown worldwide did Mr. Qaddafi agree to the deal, all of his weapons gone, lock, stock and barrel. As supporters of terrorism, Libya, Afghanistan and Iraq are no more. As developers of weapons of mass destruction, they are no more.

Mr. Speaker, we have positive effects inside Iraq that affect the social systems, for providing medical care and rebuilding schools; children are kicking soccer balls, and kids are spending time with organs. Our troops are building new and better societies in Iraq and

Afghanistan. The immediate and long-term benefits for a more peaceful region and a more peaceful world are immeasurable.

More than 250 Iraqi students and teachers welcomed soldiers at the grand opening of the Al-Walid Elementary School in Baghdad recently. The opening is the result of several months of work by soldiers from the 4th Battalion, the 1st Field Artillery Regiment, the 3rd Brigade Combat Team, the 1st Armored Division, and the 409th Civil Affairs Battalion, an Army Reserve unit from Abilene, Texas. Repairing the schools is a big part of our responsibility because these children will become the future of Iraq. Their attitudes control the future.

Mr. Speaker, our troops have not stopped here. The soldiers understand that you can see the future of Iraq through the eyes of its children. The most recent project for the 105th Forward Support Battalion, headquartered in Germany, was giving away 150 soccer balls to local kids in Baghdad. Soldiers of the 101st Airborne Division have been working to not only make Iraq secure, but have been putting time and effort into helping towns and villages with their Operation Helping Hands program. With the Operation Helping Hands, soldiers donate their own money, and many of them are financially strapped providing for their needs in Iraq as well as the needs back home for their family, but they have been donating their own money to help provide families with food and health care necessities. Brigades Commander Ben Hodges came up with the idea of helping the poor families in the area. They have collected several thousand dollars which goes a long way toward helping many Iraqi families.

These compassionate troops are helping Iraqi families in a way that they have never been helped before. Soldiers are often out in Iraqi communities providing medical care and humanitarian assistance. A small, impoverished village about 10 miles from Baghdad was recently paid a visit from the Medical Civic Action Program. The program sends doctors and medics to provide free medical care on a regular basis. Because of conditions under Saddam Hussein, soldiers are treating diseases we rarely see here at home: tuberculosis, hepatitis, and polio.

Mr. Speaker, we should be proud of our troops for fighting for women's rights. For the first time in history, women in Mosul, Iraq, were able to join the rest of the world in celebrating International Women's Day. That day recognizes coordinated efforts of women everywhere for equal rights and political and economic equality. The state of the woman in Iraq was in horrible condition prior to our arrival. Eighty-eight percent of women could not read. Today, 77 percent of all school-age girls are in school. The People's Assembly Building was rededicated as a center for Iraqi women. The center will serve as a meeting place for

all women of Iraq where they can share ideas, offer training, coordinate communication, and build a safer homeland.

In Mosul, Iraqi police say they are grateful to soldiers from the U.S. Army's 503rd Military Police Battalion for their assistance in rebuilding police stations. Coalition forces helped to renovate several police stations which enable the Iraqi police officers to protect their fellow citizens. In the past year, 4,570 police, correction specialists, and firefighters from the Ninevah Province have completed this training. They are better prepared to maintain security for the people of Iraq because of the training the coalition forces have provided.

Iraqi security forces continue to take huge steps along with the political process. Less than a year ago, the Department of Border Enforcement was created consisting of the border police, immigration inspections, and civil customs inspection stations. Today there are more than 82,000 border policemen and nearly 9,000 border enforcement agents operating along a 3,600 kilometer border. Coalition forces are actively involved in border security operations. In addition to conducting joint patrols with the Iraqi border police, coalition forces routinely visit border posts and continue to train and mentor the Iraqi border patrol officers.

More than 11,000 experienced policemen who have completed the transition integration program have learned democratic principles and values, basic fundamentals of policing, policies and standards for conduct, law and order, and their responsibilities to their communities. There are more than 1,600 policemen who have trained from scratch in an 8-week training program. In early March, 450 additional policemen graduated from the first class of the 8-week Baghdad Public Safety Academy. Another 1,500 new policemen will graduate in April. Two academies are expected to have more 2,100 new professional policemen by the end of 2004.

The new Iraqi Army is growing. In early March, more than 1,000 recruits of the 4th Battalion graduated from the 9-week basic training program.

These are amazing stories. These are the stories of the Americans that I know. There are hundreds, perhaps thousands more.

I am proud of our soldiers and want to say thank you. These are not the stories that you will hear on the news or in the newspapers, nor will you hear them many times during this election year; but I would like at this moment to say thank you to the young men and women in Iraq who are fighting for the freedom of a foreign land.

One story that is told from Iraq, a U.S. soldier recently evaluated an Iraqi woman, Farha Abed Saad, for medical treatment after she had been harmed by Iraqi thugs who wished to rob Iraqis of their right to freedom. Her comments say it well, "Thank God you have come here to Iraq to make us

free," said Mrs. Saad, kissing a soldier's hand. "When I see you, I see my own sons. Thank you, thank you."

Mr. Speaker, compassion is a common language. Compassion is what we are showing to the people in Iraq when we fight side by side with them.

Mr. Speaker, we have other advances in this war on terror and in the social setup in Iraq. Already the transition to Iraqis is beginning. People are talking about the end of June, but this week the transition began with the transition of the Ministry of Agriculture and the Ministry of Culture, both responsibilities being moved across to Iraqi civilians.

Mr. Speaker, the oil in Iraq has begun to flow again. It is moving through pipelines that we have found damaged and we as coalition forces have repaired. Because of that flow of oil and because of U.S. reconstruction of oil facilities, over \$8 billion, almost \$9 billion is in the bank now in trust for the Iraqis. It is being used to fund the operation of their government.

Mr. Speaker, you will not hear that story either as we read the evening news because it seems that the news does not want to report the positive and the progress that we have seen in Iraq.

Mr. Speaker, we heard eloquent points from a gentleman on the floor earlier this evening. The gentleman from Nebraska (Mr. OSBORNE) spoke about the fact that in any contest some people will win and some will lose. Then he gave the four points that create the winners, that help determine the winners. Mr. Speaker, when the gentleman from Nebraska (Mr. OSBORNE) speaks about winning, I listen. The gentleman from Nebraska coached the 1994 national champions and came back the next year in 1995 and coached the same Nebraska Cornhuskers to another national championship. And then he took a year off and came back in 1997 to win his third national championship.

Mr. Speaker, when this gentleman speaks about winning, I believe he knows what he is talking about; and he says for us to win in Iraq will require the same elements as to win in any other situation. It will require a unity of purpose. Secondly, it will require sacrifice; the willingness to pay a greater price than the competition often determines the winner.

Third, we must have confidence in a successful outcome.

Fourth, there must be a bond among the team, a caring, a respect, a love among the group.

Mr. Speaker, when we begin to talk so violently in this Nation and to politicize the war, we begin to undermine the unity of purpose, the willingness to pay a greater price, we undermine the confidence and the successful outcome, and we begin to damage that bond that needs to exist among the group members if an effort is to be a winning effort.

Mr. Speaker, as I listened to the many complaints and to the calls for

resignations, my mind goes back to World War II. I just cannot imagine what it would have been like in World War II after Pearl Harbor if we had gone through the same sort of questions from the press and from the political parties. Can Members imagine Mr. Roosevelt taking time off from the war to come in and speak about why Pearl Harbor was allowed to be attacked? There are many in this Nation who felt that the attack was known to be coming, and yet both sides for the good of the moment said we will let those questions go because we have got a greater enemy here.

I cannot imagine the consequences if we had chosen at that moment to pull the President in front of a commission and ask him to explain and justify every action. I cannot imagine, Mr. Speaker, asking the President at that point in the conflict in the first year or even 2 years, what is your exit strategy? Our exit strategy then is like our exit strategy now: it is to defeat the enemy.

Mr. Speaker, if we are going to win this war on terror, it is going to take valor, valor like that of Pat Tillman who gave up a lucrative career in pro football to serve his country, and he paid the ultimate price.

□ 2000

It is going to take sacrifice like a young woman helicopter pilot from my district who died in a night helicopter crash in Afghanistan, or like the young man from Lovington, New Mexico, just 18 miles from my hometown, who paid the ultimate sacrifice and was just recently laid to rest.

Mr. Speaker, as I talked to his mother, she explained that he never liked school much, he did not like to read, he did not like to study, but when he got involved as a gunner in the military, he found an understanding of what he thought he was about and he began to read constantly, read his operational manuals, to work to improve his capabilities.

Mr. Speaker, it will take those kinds of sacrifices. Freedom is not free. It takes tremendous sacrifice. It will take courage to win this war on terror. It is going to be a long fight and it will take commitment. It will take commitment from the young men and women who are required to go. It will take commitment from their families. It will take commitment from political leaders who are required to vote to fund the efforts.

If we are going to cut and run now, Mr. Speaker, we can be sure that we will not win this war on terror. We can also be sure that the security moms will have been concerned justly. It is our obligation to see that we fight the war on terror outside this country's borders, that we take the fight to them and we take the desire away from them, take the desire away from them that makes them want to strike us.

We have had losses and they cannot be minimized. The loss of a single life

is too many. But far more of the enemy have paid the full price than of our young men and women. We owe it to the people of this country and to the free people of the entire world to stand our ground and to fight and to have the resolute intent to see that this war on terror is won.

Mr. Speaker, I cast my lot on the side of the people who will fight this war and who will see that liberty triumphs over tyranny and over terrorism.

TRIBUTE TO POLICE OFFICERS DURING NATIONAL LAW ENFORCEMENT WEEK

The SPEAKER pro tempore (Mr. CHOCOLA). Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. STUPAK) is recognized for 60 minutes.

Mr. STUPAK. Mr. Speaker, I would like to address a couple of issues tonight, but first would like to start with National Law Enforcement Week. This week Congress has paid tribute to our law enforcement officers and first responders who so bravely protect and serve, often putting their own lives at risk. On September 11, 2001, many in this Nation and this Congress have come to recognize the importance of the sacrifices made by our law enforcement officers. As a former police officer and a Michigan State Police trooper as well as founder of the Law Enforcement Caucus and cochair of this caucus, this week has significant meaning to me. The focus of this important week will take place tonight at 8 o'clock, actually right about now, when this Nation pauses to add the names of the officers who have been killed in the line of duty. The addition of the officers' names to the memorial is one way our Nation can commemorate its fallen heroes who have died in the line of duty. This week allows peace officers and their families to gather together in one place and to honor those who have lost their lives.

According to the National Law Enforcement Officers Memorial Fund, more than 16,000 Federal, State and local law enforcement men and women in the United States have been killed in the line of duty. In 2003, this past year, there have been 145 fallen officers and unfortunately in 2004, 53 officers have already died. The kind of sacrifice made by our law enforcement officers was all too clearly demonstrated in Detroit, Michigan, this year. Jennifer Fettig, a 26-year-old Detroit police officer, and her 21-year-old partner, Matthew Bowens, were killed during a routine traffic stop. For me, this terrible tragedy came close to home. Jennifer grew up in my district, in the Petosky area, and I have met with her family. This tragic killing illustrates the dangers our law enforcement officers face, not only during crisis situations but while performing routine duties.

That is why it is especially important this special week that we not only

recognize the dedication of those officers but also commit to providing our law enforcement officers the resources they need to meet the daily challenges of their jobs, particularly at a time when we place greater demands upon them to fight and prevent terrorism here and in America.

As a Nation we can provide these resources only by fully funding important law enforcement programs that allow our local agencies to buy essential protective gear, hire the officers they need and obtain the resources they need to make themselves and our communities safe.

Congress can provide these resources through grants, especially the Community Oriented Policing Services, or COPS, and its universal hiring program. This program was so successful that it helped put 100,000 police officers on the street under President Clinton. It is critical that Congress continue to fully fund this program. Unfortunately, President Bush's budget devastates the COPS program, providing only \$97 million, a \$659 million cut below last year's level. That is a more than 75 percent cut in this amount.

The President's budget also zeroes out the Edward Byrne Memorial State grant program. This program provides funding for 19 different programs, from counterdrug initiatives in rural communities to providing jailers for the local jail inmates.

The budget also eliminates local law enforcement block grants which provide direct grants to local agencies for hiring and training of new officers and vital crime fighting initiatives.

The President's budget cuts are simply unacceptable. It is my hope that Congress restores the cuts that the President has proposed in these valuable law enforcement programs.

Congress also needs to provide assistance to help regional law enforcement and first responders talk to each other in times of emergency. Police officers right now with their radios cannot talk to each other. They do not have what we call interoperability. My bill, H.R. 3370, the Public Safety Interoperability Act, would provide grants to local law enforcement agencies to modernize their communication systems and become interoperable. Interoperability of an officer's communications system would allow different public safety agencies in different jurisdictions to communicate with each other in times of crisis.

Currently, firefighters and law enforcement officials may not be able to communicate with each other even if they work in the same jurisdiction. The tragic events of September 11 illustrate why it is so important that our law enforcement officers are fully interoperable. Three hundred forty-three firefighters and 72 law enforcement officers lost their lives in the World Trade Center on September 11. When our first responders are confronted with an emergency situation, it is absolutely necessary that they are

able to communicate with one another so they can fully assess the situation and determine how best to handle it. These are the kind of resources and tools our responders need.

Unfortunately on September 11 as one of the World Trade Centers collapsed, firefighters were stuck in the other World Trade Center and they had no way to tell them to exit the building because it was collapsing. Many of these firefighters did not have to die if they only would have had equipment, radios, that they could talk to each other. We need to do everything possible to ensure that our law enforcement officers that play an integral role in our Nation's antiterrorism efforts are fully interoperable.

I am also very concerned about the homeland security funding needs of our local agencies. The question I am often asked back home in northern Michigan is where is the funding? On January 22 of this year, the Conference of Mayors corroborated this sentiment when it released its second homeland security monitoring survey. According to this survey, 76 percent of the cities have not received any money from the largest homeland security program designated to assist first responders such as firefighters and police officers. Changes are obviously needed in the capital outlay process so homeland security money can get to our first responders in an efficient and timely manner. We need also to make sure that our first responders are informed about this process so they can receive this crucial funding in a timely manner.

Moreover, the State must have the ability to directly release funds to the locals instead of reimbursing them only after they have already spent the money. It really does not make sense that cities are required to pay up front for the costs of updating their emergency service and funding their homeland security needs and then hope to be reimbursed at a later date.

Not only do we need to get money out to our first responders but we need to fully fund these programs. The State homeland security grant program was funded at \$1.7 billion in fiscal year 2004 but unfortunately, once again, the President's budget request slashes the program to \$700 million. That is more than a 50 percent cut. Overall, the President's budget would reduce first responder assistance by more than 14.5 percent from the original \$4.18 billion that Congress appropriated in fiscal year 2004 to \$3.75 billion in fiscal year 2005.

We also need to ensure that programs like Thin Blue Line of Michigan are fully funded. The Thin Blue Line is a nonprofit, volunteer organization that assists and supports families of injured or deceased officers. The Thin Blue Line began in Michigan and is now beginning to expand throughout the Nation. Thin Blue Line volunteers assist families when applying for benefits, counseling, and answer their questions

during the most difficult of circumstances. These officers have made the ultimate sacrifice in the line of duty and their families deserve to be honored, respected, and supported in any way we can.

I am hopeful that we can continue to show our commitment to law enforcement by supporting their important funding needs, including showing our full support for the National Law Enforcement Officers Memorial. It is the least we can do for those who put their lives on the line for us each and every day.

The gentleman from Maryland (Mr. HOYER) could not be here tonight because unfortunately he is at a memorial service for a State trooper who was just killed in Maryland. The gentleman from Maryland asked me to read his statement into the RECORD. At this time I will do so.

"The 958,000 Americans who make up the Nation's Federal, State and local police forces live the true meaning of duty, sacrifice and honor each day. They routinely put their lives on the line to enforce the laws that govern our society. Officers keep the streets safe, they pursue those who would steal from our homes and businesses and protect us from those who would prey on our children and our elderly.

"Tonight we especially remember Maryland State Trooper Anthony Jones who was killed this week while on duty assisting another trooper. Trooper First Class Jones every day exemplified the service and sacrifice that we honor this week. As the recipient of awards for his valor and bravery and as the anticipated recipient of the "Top Cop" award from the College Park Barracks this month, Trooper Jones demonstrated a commitment to public service and a sincere desire to protecting and serving our community.

"Trooper First Class Jones joined the State police after retiring from the United States Air Force in 1998. He spent his entire police career working as a road patrol trooper. He was on patrol duty early Sunday morning when he stopped shortly after 2 a.m. to assist another trooper working at the scene of a single-vehicle crash in Prince George's County.

"Investigators said Jones crossed the four-lane highway on foot to remove a tire that was part of the accident debris and was making his way back across the road, using a flashlight to warn oncoming traffic, when he was struck and killed.

"Every day, law enforcement officers like Trooper Jones risk their lives in dangerous situations on our highways and roads to protect the citizens who travel along our roadways. This week we join together in commemorating Trooper Jones and all of the law enforcement officers whose brave deeds led them to make the ultimate sacrifice, or left them disabled.

"Trooper Jones is the 39th Maryland trooper to die in the line of duty. This week we say a special prayer for the 145

Federal, State and local law enforcement officers who were killed in the line of duty just last year. The Joneses and all of the families and loved ones of fallen officers must know that a grateful Nation mourns their loss and shares their pain.

"As we pay tribute to law enforcement officials who have fallen in the line of duty, we especially honor Trooper First Class Jones. His service to our country and to his community will long be remembered with the utmost gratitude and respect.

□ 2015

"Although we do not often thank them for it, officers like Trooper Jones help protect our most cherished rights as laid out by Thomas Jefferson in the Declaration of Independence: The right to life, liberty, and the pursuit of happiness. We owe these fine and hard-working people a great deal for their contribution to our freedom and security.

"The words of John F. Kennedy strike a cord this week," when he said, "'a Nation reveals itself not only by the men it produces but also by the men it honors and the men it remembers.' As these valiant men and women died because they made it their duty to protect and serve, it is our duty to honor and remember them for their selfless contribution to our communities."

That concludes the gentleman from Maryland's (Mr. HOYER) statement.

Mr. Speaker, while I have a little more time left, I want to talk about law enforcement. But this week, as was alluded to earlier by some other Special Orders and statements tonight, we had the prison abuse in Iraq, and the gentleman from Texas (Mr. DELAY), majority leader, when asked if we could do some investigation, he responded by saying "... a full-fledged congressional investigation, that's like saying we need an investigation every time there's police brutality on the street." So is the majority actually trying to imply that police brutality is common practice in our country and that reports of such abuse should not be investigated?

I have a big problem with such an inference like that. As I said, I am a former police officer of 12 years, and I am highly offended by such an assault on our country's peace officers.

Let me tell my colleagues what is going on here. The Republican leadership appear to have zero interest in getting to the bottom of this matter to determine the extent of the prison abuse in Iraq and who was involved, including contractors, military intelligence, military police, and higher-ups at the Pentagon who still refuse to take responsibility.

Just today, the Washington Post reported there is an estimated tens of thousands of contractors in Iraq, which amounts to 10 percent of the total personnel there.

As I said last week, once again I call on the House Committee on Government Reform to hold hearings into the

government-paid contractors in Iraq who may have played a role in the actions at Abu Ghraib prison. We have a crisis on our hands that needs accountability and leadership to fix it.

The first thing President Bush should do is admit they made a mistake at the beginning of this war and apologize to the American people and the international community. This was simply a war of choice, not of necessity. Second, I believe the President needs to fully reach out to the international community to get them involved in the peacekeeping and rebuilding of Iraq and its new leadership so we can quickly bring our troops home. Third, we need to do more to protect our troops, provide them with the equipment they need and proper training and leadership.

Instead, all we have seen has been finger-pointing and denial that anything is wrong, from the systemic prison abuse to the false information on the weapons of mass destruction that was used to declare war in the first place.

I think the American people and our troops deserve better than that. They deserve the truth and, as I said, real leadership to get the job done and bring our men and women safely home.

Some may accuse me or my Democratic colleagues of being unpatriotic and saying that we are using the war as a political tool. My patriotism to this country and the American troops means it is my responsibility to ask the tough questions of the military and of the Bush administration on their actions in general regarding this war. If we do not ask the tough questions, who will?

We need to hold our government officials accountable, and that is going to have to mean more than court-martialing a handful of military police officers. The President needs to fire the Secretary of Defense, Mr. Rumsfeld.

It seems very clear that these are not isolated incidents of abuse by a handful of military soldiers, but actually a systemic pattern of behavior and treatment that I believe was encouraged from the top on down.

We need to get to the bottom of the situation and show the American citizens and, just as important, the international community that such actions will not be tolerated and that these actions are not the values of the America that I know and her people. The abuse and torture that occurred at Abu Ghraib prison has undermined America's credibility and the U.S. effort to bring peace, stability, and freedom to Iraq.

The damage inflicted upon the United States' reputation will take years, if not decades, to repair. Today the Secretary of Defense acknowledged that much, as he was quoted in the Associated Press article today saying that these incidents "sullied the reputation of our country." Yet despite this acknowledgement, he still refuses to take responsibility and to step

down. So I once again call on President Bush to immediately take action to help restore our credibility and he should start by firing the Secretary of Defense.

Mr. Speaker, just one more thing I would like to discuss before I leave the floor tonight. Twice this week my Republican colleagues had the opportunity to ensure overtime protection for millions of hardworking Americans, including first responders, emergency medical personnel, police and fire agencies and officers. And twice this week they chose to deny workers the overtime they deserve. The other body already did their part and passed legislation to block the new overtime regulations the Bush administration is planning to implement that robs millions of workers of their hard-earned overtime pay. The regulation is antiworker, it is antifamily, and it is bad economic policy.

I hope that before the Memorial Day recess, which will be in the next week or 2, that the House will pass similar legislation to block these proposed cuts in overtime to hardworking Americans throughout this country.

HORSE SLAUGHTER PREVENTION

THE SPEAKER pro tempore (Mr. PEARCE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 60 minutes.

Mr. WHITFIELD. Mr. Speaker, any visitor to the Kentucky Horse Park in Lexington, Kentucky, upon leaving that park, would have to be impressed with its tranquility, with its beauty, and really with the inspiration of the place. Kentuckians are particularly impressed with the Horse Park because it pays tribute to an animal which has meant so much to our State in the past, which means a lot to our State today, and will mean a great deal to our State tomorrow. As a matter of fact, the economic impact of the horse industry in the State of Kentucky is equal to \$3.4 billion a year and the horse industry provides 52,000 direct and indirect jobs in Kentucky. And, of course, Kentucky is very proud of the fact that they produce 29 percent of all the thoroughbreds born in North America.

Two weeks ago we had the 130th running of the Kentucky Derby in Louisville, Kentucky. It is on the first Saturday of May in each year. Two weeks later, which happens to be this coming Saturday, will be the 129th running of the Preakness over in Maryland, and then soon after that will be the running of the Belmont Stakes up in New York. And that is referred to as the Triple Crown in the racing industry.

I happened to have been at the Kentucky Derby on the first Saturday in May, and there was, of course, great excitement when the chestnut horse Smarty Jones won the Derby and the Chapman family, the owners of that

horse, and the trainer and all of the supporters and even the Governor of Kentucky who is a former Member of this House, Ernie Fletcher, there in the winners circle, and they were all excited and enthusiastic. And I know the winner of the Preakness on this coming Saturday will see the same excitement and enthusiasm and great joy.

But I also want to talk about another side of the horse industry tonight, and I would like to go back to 1986 when another beautiful chestnut horse named Ferdinand won the Derby in 1986. The owners of Ferdinand were Howard Keck and his wife, of California. The trainer was Charlie Whittingham. And the jockey was Bill Shoemaker, a famous jockey that, by the way, this House passed a resolution in his honor less than 2 months ago.

When Ferdinand was retired, he at that time was the fourth-most money winner of all time in the United States. He had over \$3.8 million in earnings. And upon the death of Howard Keck, Ferdinand was sent to Japan. He was purchased by the J.S. Company, was sent to Arrow Stud Farm on the Island of Hokkaido, Japan. And the family of Howard Keck, specifically his daughter-in-law Dessie Keck and her son Brighton and her daughter Charisse, made an effort to bring Ferdinand back. They wanted to locate Ferdinand in Japan and bring him back to their ranch in California. And after a while, after searching and talking to Japanese officials in the Jockey Club of Japan and others, it came to light that Ferdinand, the winner of the 1986 Kentucky Derby, the winner of the 1987 Breeders Cup, Horse of the Year in 1987, had been slaughtered in Japan. Arrow Stud Farm evidently either sold, gave to a horse trader in Japan named Watanabe, and either with their knowledge or without their knowledge, Ferdinand, this spectacular horse, was slaughtered.

That could have been a very sad ending to a story, and it certainly made the press throughout the world. It was covered in practically every newspaper in the world about what happened to Ferdinand. But there has been some good that has come from it, because as a result of the death of Ferdinand, it has come to the attention of the American people that horses are still being slaughtered in the U.S. for human consumption; not human consumption in America but human consumption in Europe, even though horses have never been a part of the food chain in America.

And I go back to that Horse Park in Lexington, Kentucky, and there is an inscription there and it says "Civilization was built on the back of a horse." And in the history of our country, pioneers, riding horses, horses pulling wagons of material, pulling stage coaches, pulling covered wagons, horses have been a part of our civilization, in racing, entertaining us, work on ranches, dressage. In all sorts of ways they have been a partner with

man, and they have never been a part of the food chain in America.

And yet today there are two plants in the United States that are still slaughtering horses for human consumption. One of them is owned by a French family in Kaufman, Texas, and the other is owned by a Belgian family outside of Fort Worth, Texas.

It is interesting that probably the biggest horse race in this country is the thoroughbred world championship referred to as the Breeders Cup, and the Breeders Cup will be held in Texas on October 30 of this year. In fact, it is going to be held at Lone Star Park in the heart of the Dallas/Fort Worth Metroplex, as I said, on Saturday, October 30.

And I happen to have a letter that was written to members of the Texas Delegation from the founder of the Breeders Cup who happens to live in Kentucky. His name is John Gaines. He is a renowned horse breeder, businessman, community leader, and when we think about people in the thoroughbred industry, there are very few people with greater respect than John Gaines. But in this letter that he wrote to the members of the Texas Delegation he said, "As the founder of the Breeders Cup World Thoroughbred Championship, which will be held at Lone Star Park in the heart of the Dallas/Fort Worth Metroplex on Saturday, October 30, 2004, I am appalled that a Belgian company will be slaughtering horses a few miles from this world-class event.

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Horses are being slaughtered, as I said, in only two places in the United States, and both facilities are in Texas. The Belgian facility is located outside of Fort Worth, and a French company is slaughtering horses in Kaufman, Texas. These two facilities are slaughtering approximately 45,000 horses a year for human consumption in Europe. As you know, horses have never been a part of the food chain in America.

Less than 2 years ago, U.S. Senator JOHN CORNYN, while Attorney General of Texas, rendered a legal opinion that it was a criminal offense under section 149.002 of the Texas Agriculture Code for a person to sell horse meat as food for human consumption or to possess horse meat for the purpose of selling it as food for human consumption. So the Attorney General of Texas announced in a legal opinion that it was a violation of criminal law, it was a crime, to slaughter horses in Texas or possess them for slaughter. And yet horses are still being slaughtered in Texas today.

Now, the gentleman from New York (Mr. SWEENEY) and the gentleman from South Carolina (Mr. SPRATT) have introduced House Resolution 857 in the United States Congress to prohibit the slaughter of horses for human consumption or to transport horses for the purpose of slaughter for human consumption. This legislation, as of today, although not all cosponsors are re-

flected on the record yet because they have not had time to get their names, but commitments are there; but as of today we have 230 cosponsors of this legislation in the House of Representatives.

Anyone familiar with the House knows that if you get a bill to the floor, it only takes 218 to pass it. So we have enough cosponsors on this bill right now in the House to pass it and prohibit the slaughter of horses for human consumption. But we have a few problems as well, and before I talk about those, I want to mention that this same legislation has been introduced in the U.S. Senate. It was introduced about 8 days ago, and it already has seven cosponsors on the U.S. Senate side.

The legislation was introduced there by Senator JOHN ENSIGN of Nevada, who happens to be a veterinarian, and Senator MARY LANDRIEU of Louisiana.

One would think that since horses have never been a part of the food chain in America, that they have the history with helping to build our civilization, that there would not be any opposition to this bill. That is true, there is not a lot of public opposition to it; but there are a lot of people in the back room, in the dark of night, opposing the bill.

One of the organizations, the leadership, I must say, which is opposing this bill, is the American Quarter Horse Association of Amarillo, Texas. I say leadership of the American Quarter Horse Association because those of us involved in this effort, and, as I said, there are now over 230 Members of the House, have received lots of letters from quarter horse owners around the country who support this legislation. Even the American Quarter Horse Association says, oh, well, we do not support the slaughter of horses, but we are concerned that there is not a place in America to take care of all these horses if we do not slaughter them, and we are so concerned that they will be abused and mistreated and maybe even abandoned that they probably would be better off slaughtered than to let that happen to them.

Well, I can tell you that I do not agree with that argument; and most of the cosponsors of this bill, in fact, I would say all of them, do not agree with that argument. And why do we not agree with it? We do not agree with it because we know there are in excess of 200 entities around America, farms in America, in which rescues are being made of horses, where unwanted horses are being taken in.

Another interesting argument of the American Quarter Horse Association is they say, well, we do not want them abandoned, we do not want them mistreated, so we are opposing this bill because we are afraid they will be abandoned and mistreated. But they also say to us privately, your bill does not regulate these 204 entities out there who are taking these horses in that are unwanted. Yet that same group makes

it very clear that they do not want any government intervention involved in anything that they do.

So I find that argument not particularly strong, because these farms that are out there are raising money privately to take care of these horses so that they do not have to go to slaughter.

So we have over 200 farms out across the country that are taking these horses in, and the Blood Horse Magazine, which is the official magazine of the thoroughbred industry, recently devoted an entire magazine talking about the proliferation of groups who are taking these horses in.

I might also add that each year in America there are about 600,000 horses that die, and those horses are disposed of in a lot of different ways. They do not go to slaughter. They are either euthanized by their owner, they are given to a renderer, or the owner shoots them for whatever reason. But that is the important part of this legislation, H.R. 857; it does not in any way interfere with an individual owner of a horse doing whatever he wants to with that horse. It simply says they cannot be slaughtered.

Now, why are we so emphatic about that? I have already pointed out that horses have never been part of the food chain in America. The only people benefiting from this are a French family and a Belgian family exporting this meat to Europe.

But one thing that is important to understand is that there are so-called self-described "killer buyers" around the country who go to auctions. They will pay a couple of hundred dollars for horses, and then they put them in double-decker trailer trucks, and they ship them all the way to Texas.

The interesting thing about this transportation is that the Department of Agriculture's own regulations state, we know that horses are transported in double-decker trailers, and some of them are going to be killed, some of them are going to be injured, many of them are going to arrive in Texas in very bad condition, because we are going to allow them to be transported up to 28 to 30 hours without food, water or exercise. Any commercial transporter of horses will tell you they should not be moved over 6 or 7 hours without food, water and exercise.

Now, the Department of Agriculture regulations also state that we are allowing them to be moved in double-decker trailers, even though we know that those on the top do not have enough room to stand up completely. But we are going to allow it because individuals have made economic investment in these trailers. So, despite the injury to the horse, we are going to allow it.

Then these same regulations allow stallions to be put with other stallions, to be put with mares, to be put with foals, all in one. And anybody in the horse industry knows that stallions have to always be separated, and they

certainly should not be put with foals, they should not be put with mares, and they most certainly should not be put with other stallions, because they fight.

So we have these horses being purchased by killer buyers, transported up to 30 hours, and many times longer than 30 hours, without food, water or exercise, in cramped trailers, fighting each other, kicking each other, biting each other, killing each other, all the way to Texas. So that is another reason that we want to stop this process.

In addition to that, anyone that has actually seen the slaughter cannot help but be disgusted with the way it is done, because a captive bolt is used, in which the horse's head is really not restrained, and it is administered by untrained or unprofessional people. These horses have to be shot three or four times, frequently.

I do not want to describe the scene, because it would make most people sick to see these animals being jolted, falling down, trying to get up.

So it is an inhumane practice, it is against Texas State law, yet this French family and this Belgian family have filed a lawsuit in Federal Court, and they have got it tied up in court. That is another reason we decided to introduce this legislation is to help Texas enforce its own law.

So we find ourselves with a situation of the Texas legislature saying you cannot slaughter horses in Texas, it is against our agricultural code and it is a crime, and yet it is being done today.

One other group that I would like to point out, at least the political arm of this group, which has expressed its opposition to H.R. 857, is the American Equine Practitioners. Their president is from Lexington, Kentucky, and he is a veterinarian. He has made the statement that using the captive bolt is a humane way to kill a horse.

But we went over to the Senate and we had a meeting with Senator JOHN ENSIGN, who is also a veterinarian. After hearing the debate, Mr. ENSIGN decided he was going to introduce legislation to prohibit the slaughter or transportation of horses to slaughter. So he is supporting H.R. 857.

I might add, we have veterinarians from all over the country, we have veterinarians from all over the country who are writing in in support of this legislation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CHOCOLA). Except as provided in clause 1(b) of rule XVII, the gentleman will refrain from referencing individual Senators.

Mr. WHITFIELD. I thank the Speaker.

So we have veterinarians from all over the country that are writing in in support of this legislation. We have the owners of quarter horses writing in supporting this legislation, and we have their political arm opposed to it, but they do not like to talk about it publicly.

So in conclusion tonight, I simply would like to make this statement: We are continuing our efforts to obtain cosponsors of this legislation. I am quite confident we are going to eventually attain the number of 260 to 270 cosponsors. We are already at 230, and we have not made that big of an effort yet. We are hoping that when we get up to that number that the committee that has jurisdiction over this bill will allow it out.

But I think it is important that we have this debate because it is the first time that I am aware of that we have had a debate in the United States Congress on whether or not we should allow foreign companies to slaughter our horses to export to Europe for human consumption, in a nonhumane way, I might add.

Now, Matthew Scully is a former literary agent of the National Review and a part-time speech writer for President Bush; and he recently wrote a book entitled "Dominion." In this book, Mr. Scully made some statements that I think all of us would benefit from just thinking about.

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In his book, Mr. Scully affirms and I want to emphasize that word, "affirms," man's dominion over animals. But he also reminds us of our responsibility to animals.

To quote Mr. Scully, "The care of animals bring with it often complicated problems of economics, ecology, and science. But above all, it confronts us with questions of conscience. Many seem to have lost all sense of restraint toward animals, an understanding of natural boundaries, a respect for them as creatures with needs and wants and a place and purpose of their own. Too often, too casually, we assume that our interests always come first, and if it is profitable or if it is expedient, that is all we need to know. But sometimes we are called to treat animals with kindness, not because they have rights, not because they have power, not because they have any claim of equality, but in a sense because they do not have any of those things, because animals stand unequal and powerless before us.

It is true that the welfare of animals is not high on most people's priority list, and it maybe should not be. "But kindness to animals is among the humbler duties of human charity, though for just that reason it is among the more easily neglected. And it is true that there will always be enough injustice and human suffering in the world, and we are reminded of it every day, to make the wrong done to animals seem small and insignificant.

And perhaps, Mr. Speaker, perhaps that is part of the animals' role among us, simply to awaken humility and compassion in human beings. We have the power, we have the rights, and we have dominion over animals. That is precisely why I believe that the bill of the gentleman from New York (Mr.

SWEENEY), H.R. 857, is so important to our country. I look forward to this debate.

In closing, I am reminded of a comment made by my friend Russell Williams, who owns one of the biggest standardbred farms in Pennsylvania. He said, the slaughter of horses in H.R. 857 is not so much about horses, but it is more about us as people.

So I hope that the Members of this body will give some thought to this legislation. It has great momentum. It is moving on the other side of the Capitol in the Senate, and we have every expectation and hope that we can pass it and stop this sad part of our history as it relates to animals.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ISRAEL (at the request of Ms. PELOSI) for today on account of family illness.

Mr. SHADEGG (at the request of Mr. DELAY) for today and the balance of the week on account of attending his daughter's graduation from the University of Southern California.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. McDERMOTT) to revise and extend their remarks and include extraneous material:

Mr. SCHIFF, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.
Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. MORAN of Virginia, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

The following Members (at the request of Mr. GREEN of Wisconsin) to revise and extend their remarks and include extraneous material:

Mr. ROYCE, for 5 minutes, today.

Mr. BURNS, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, May 20.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. ROHRBACHER, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 108. Concurrent resolution supporting the goals and ideals of Tinnitus Awareness Week; to the Committee on Energy and Commerce.

ADJOURNMENT

Mr. WHITFIELD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 49 minutes p.m.), under its previous order, the House adjourned until Monday, May 17, 2004, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8141. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pyraflufen-ethyl; Pesticide Tolerance [OPP-2004-0094; FRL-7358-2] received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8142. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Harpin Protein; Exemption from the Requirement of a Tolerance [OPP-2004-0097; FRL-7356-5] received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8143. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Rhamnolipid Biosurfactant; Exemption from the Requirement of a Tolerance; Technical Correction [OPP-2003-0281; FRL-7356-2] received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8144. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of General William J. Begert III, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

8145. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Ronald T. Kadish, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8146. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills [OAR-2002-0045, FRL-7657-2] (RIN: 2060-AK53) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8147. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Motor Vehicle and Engine Compliance Program Fees for: Light-Duty Vehicles; Light-Duty Trucks; Heavy-Duty Vehicles

and Engines; Nonroad Engines; and Motorcycles [OAR-2003-09; FRL-7656-9] (RIN: 2060-AJ62) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8148. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Wisconsin: Kewaunee County Ozone Maintenance Plan Update [W119-01a; FRL-7657-6] received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8149. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia: Sulfur Dioxide Attainment Demonstration for the City of Weirton Including Clay and Butler Magisterial Districts in Hancock County [WV065-6034a; FRL-7653-8] received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8150. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of South Dakota: Revisions to the Administrative Rules of South Dakota and New Source Performance Standards Delegation [SIP NO. SD-001-0017a; FRL-7652-3] received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8151. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Government of Turkey (Transmittal No. 03-04), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

8152. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

8153. A letter from the Deputy Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997, as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003; to the Committee on International Relations.

8154. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8155. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8156. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8157. A letter from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8158. A letter from the Office of the General Counsel, Selective Service System, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8159. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Community Purchase [Docket No. 030922237-4111-02; I.D.082503D] (RIN: 0648-AQ98) received May 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8160. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Non-Pelagic Trawl Gear in the Red King Crab Savings Subarea [Docket No. 031124287-4060-02; I.D.042204A] received May 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8161. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Record-keeping and Reporting [Docket No. 031016262-4107-02; I.D.100603E] (RIN: 0648-AR08) received May 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8162. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Recordkeeping and Reporting Requirements; Regulatory Amendment to Modify Seafood Dealer Reporting Requirements [Docket No. 040109009-4085-02; I.D. 121803D] (RIN: 0648-AR79) received May 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8163. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Spiny Dogfish Fishery [Docket No. 040311088-4119-02; I.D.030104A] (RIN: 0648-AQ81) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8164. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Tilefish Fishery; Reinstatement of Permit Requirements for the Tilefish Fishery [Docket No. 040122024-4105-02; I.D.010904A] (RIN: 0648-AR75) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8165. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone (EEZ) Off the Coast of Alaska; Recordkeeping and Reporting [Docket No. 040115020-4124-02; I.D.010204B] (RIN: 0648-AR07) received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 2729. A bill to amend

the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission; with an amendment (Rept. 108-486). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 2728. A bill to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to an employer filing of a notice of contest following the issuance of a citation by the Occupational Safety and Health Administration; with an amendment (Rept. 108-487). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 2730. A bill to amend the Occupational Safety and Health Act of 1970 to provide for an independent review of citations issued by the Occupational Safety and Health Administration, with an amendment; referred to the Committee on Judiciary for a period ending not later than May 17, 2004, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X (Rept. 108-488, Pt. 1). Ordered to be printed.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 2731. A bill to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to very small employers when they prevail in litigation prompted by the issuance of citations by the Occupational Safety and Health Administration, with an amendment; referred to the Committee on Judiciary for a period ending not later than May 17, 2004, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X (Rept. 108-489, Pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KNOLLENBERG (for himself and Mr. GREEN of Wisconsin):

H.R. 4358. A bill to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks; to the Committee on the Judiciary.

By Mr. PORTER (for himself, Mr. BLUNT, Mr. CANTOR, Mr. OTTER, Mr. CRANE, Mr. PICKERING, Mr. BROWN of South Carolina, Mr. SIMPSON, Mr. KINGSTON, Mr. BAKER, Mr. BURNS, Mr. WICKER, Mr. HAYWORTH, Mrs. MYRICK, Mr. FOSSELLA, Mr. ROGERS of Alabama, Mr. ISTOOK, Mr. SCHROCK, Mr. MARIO DIAZ-BALART of Florida, Mr. KIRK, Mr. MURPHY, Mr. SENSENBRENNER, Mr. BARRETT of South Carolina, Mr. WELDON of Florida, Mr. BACHUS, Mr. GIBBONS, Mr. SIMMONS, Mr. AKIN, Mr. SHIMKUS, Mr. ROGERS of Michigan, Mr. WILSON of South Carolina, Mr. DEMINT, Mr. KING of Iowa, Ms. HART, Mrs. CAPITO, Mr. RYUN of Kansas, Mr. SESSIONS, Mr. BEAUPREZ, Mrs. MILLER of Michigan, Mr. GINGREY, Mr. GILCHREST, Mr. DOOLITTLE, Mr. DUNCAN, Mrs. JO ANN DAVIS of Virginia, Mr. SMITH of New

Jersey, Mr. CAMP, Mr. TIBERI, Mr. GILLMOR, Mr. FORBES, Mr. SOUDER, Mr. FRELINGHUYSEN, Ms. PRYCE of Ohio, Mr. OSE, and Mr. MANZULLO):

H.R. 4359. A bill to amend the Internal Revenue Code of 1986 to increase the child tax credit; to the Committee on Ways and Means.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 4360. A bill to provide for continuing Federal reimbursement of emergency health services furnished to illegal aliens through foreign aid funds; to the Committee on International Relations, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON (for herself, Mr. TURNER of Texas, Ms. LORETTA SANCHEZ of California, Mr. MARKEY, Mr. DICKS, Mr. FRANK of Massachusetts, Ms. HARMAN, Ms. SLAUGHTER, Mr. DEFazio, Mr. ANDREWS, Ms. LOFGREN, Ms. MCCARTHY of Missouri, Ms. JACKSON-LEE of Texas, Mr. PASCRELL, Mrs. CHRISTENSEN, Mr. ETHERIDGE, Mr. LUCAS of Kentucky, Mr. LANGEVIN, Mr. MEEK of Florida, Mr. CHANDLER, Mrs. MALONEY, and Mr. MATSUI):

H.R. 4361. A bill to provide for the security of public transportation systems in the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Washington:

H.R. 4362. A bill to authorize the Secretary of the Interior to accept a parcel of Federal land in the State of Washington in trust for the Nisqually Tribe, to ensure that the acceptance of such land does not adversely affect the Bonneville Power Administration, and for other purposes; to the Committee on Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Wisconsin (for himself, Mr. FORD, Mr. NEY, Mr. KENNEDY of Minnesota, and Mr. LUCAS of Kentucky):

H.R. 4363. A bill to facilitate self-help housing homeownership opportunities; to the Committee on Financial Services.

By Mr. HYDE:

H.R. 4364. A bill to amend the Foreign Assistance Act of 1961 to require the governments of low income oil-producing countries to meet certain requirements relating to their oil revenues in order to be eligible to receive United States economic assistance; to the Committee on International Relations, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOGGETT (for himself, Mr. SHAYS, Mr. LEACH, Mr. ANDREWS, Mr. BLUMENAUER, Mr. COOPER, Mr. MARKEY, Mr. SCHIFF, Mr. EMANUEL, Mr. GRIJALVA, Mr. TAYLOR of Mississippi, Mr. MORAN of Virginia, Mr. KUCINICH, Mr. MCGOVERN, Mr. SANDERS, Ms. DELAURIO, Ms. LEE, Mr. TIERNEY, Mr. McDERMOTT, and Mr. STARK):

H.R. 4365. A bill to amend the Internal Revenue Code of 1986 to eliminate the inflation adjustment of the phaseout of the credit for producing fuel from a nonconventional source and to repeal the extension of the credit for facilities producing synthetic fuels from coal; to the Committee on Ways and Means.

By Mr. MARKEY:

H.R. 4366. A bill to prohibit the transfer of personal information to any person outside the United States, without notice and consent, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MATHESON:

H.R. 4367. A bill to amend title 38, United States Code, to provide entitlement to educational assistance under the Montgomery GI Bill for members of the Selected Reserve who aggregate more than 2 years of active duty service in any five year period, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON (for himself and Mr. YOUNG of Alaska):

H.R. 4368. A bill to transfer the National Oceanic and Atmospheric Administration to the Department of the Interior; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHIMKUS (for himself, Mr. THOMPSON of California, Mr. HUNTER, and Mr. SKELTON):

H.R. 4369. A bill to amend title 10, United States Code, to require the Secretary of the Army to establish a combat service recognition ribbon, similar to the Navy Combat Action Ribbon, to recognize participation in combat by members of the Army, regardless of branch; to the Committee on Armed Services.

By Mr. MCGOVERN (for himself, Mrs. EMERSON, Mr. LANTOS, Mr. WOLF, Mr. BEREMUTER, Mr. HOUGHTON, Mr. PAYNE, Mr. WEXLER, Mr. DELAHUNT, Ms. LEE, Mr. CROWLEY, Ms. MCCOLLUM, Ms. KAPTUR, Mr. HOEFFEL, Mr. BLUMENAUER, Mr. OTTER, Mr. KIND, Mr. LEACH, Mr. FALEOMAVAEGA, Mr. MOORE, and Mr. MORAN of Kansas):

H. Con. Res. 422. Concurrent resolution concerning the importance of the distribution of food in schools to hungry or malnourished children around the world; to the Committee on International Relations.

By Ms. KAPTUR:

H. Con. Res. 423. Concurrent resolution authorizing the use of the Capitol Grounds for activities associated with the dedication of the National World War II Memorial; to the Committee on Transportation and Infrastructure.

By Mr. SHADEGG:

H. Con. Res. 424. Concurrent resolution honoring past and current members of the Armed Forces of the United States and encouraging Americans to wear red poppies on Memorial Day; to the Committee on Armed Services.

By Mr. SMITH of New Jersey (for himself and Mr. CARDIN):

H. Con. Res. 425. Concurrent resolution expressing the sense of Congress in support of the ongoing work of the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence; to the Committee on International Relations.

By Mr. WEXLER (for himself, Mr. BROWN of Ohio, Mr. ROHRBACHER, and Mr. CHABOT):

H. Con. Res. 426. Concurrent resolution supporting the goals and ideals of Taiwanese-American Heritage Week; to the Committee on International Relations.

By Mr. PRICE of North Carolina (for himself, Mr. BEREUTER, and Mr. FROST):

H. Res. 642. A resolution providing for the establishment of a commission in the House of Representatives to assist parliaments in emerging democracies; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

325. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to H.P. 1461 Joint Resolution memorializing the Congress of the United States to continue its support and advocacy for the military bases in Maine; to the Committee on Armed Services.

326. Also, a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 102 memorializing the United States Congress to investigate and determine why the cost of motor fuel is so high and climbing; to the Committee on Energy and Commerce.

327. Also, a memorial of the Legislature of the State of Florida, relative to House Memorial No. 25 memorializing the United States Congress to pass legislation to change the existing formula for the distribution of Medicaid funds from a formula based on per capita income to one based on total taxable resources and the poverty rate; to the Committee on Energy and Commerce.

328. Also, a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 447 memorializing the government of the Russian Federation and the Russian oil company LUKoil to open up its drilling site in the Baltic Sea, known as D-6, off the coast of Lithuania for inspection by international organizations and Lithuanian authorities; and memorializing the government officials, the judiciary, and the media in Lithuania to address the current political crisis surrounding the office of the President in Lithuania in a forthright and transparent manner; to the Committee on International Relations.

329. Also, a memorial of the Legislature of the State of Florida, relative to House Memorial No. 335 memorializing the United States Congress to enact a proposed amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. SIMMONS, Mr. PORTER, Mr. DAVIS of Alabama, Mr. BISHOP of New York, and Mr. MILLER of Florida.

H.R. 107: Mr. McDERMOTT, Mr. ABERCROMBIE, and Mr. RAHALL.

H.R. 111: Mr. PORTER.

H.R. 504: Mr. VAN HOLLEN.

H.R. 614: Mr. MILLER of Florida.

H.R. 677: Mr. DOOLEY of California and Mr. VAN HOLLEN.

H.R. 713: Mr. CUMMINGS and Mr. RUPPERSBERGER.

H.R. 767: Mr. McHUGH.

H.R. 779: Ms. LEE, Mr. CASE, Ms. ESHOO, Mr. KUCINICH, and Mr. MORAN of Virginia.

H.R. 791: Mr. WELLER.

H.R. 813: Ms. LINDA T. SANCHEZ of California.

H.R. 814: Mr. RUPPERSBERGER.

H.R. 833: Mr. TIBERI and Ms. GINNY BROWN-WAITE of Florida.

H.R. 834: Mr. THORNBERRY.

H.R. 847: Mr. GRIJALVA.

H.R. 857: Mr. STRICKLAND.

H.R. 879: Mr. ACEVEDO-VILA.

H.R. 947: Mr. CHANDLER.

H.R. 1043: Ms. SLAUGHTER and Mr. RUSH.

H.R. 1057: Mr. MOORE.

H.R. 1083: Mr. BONNER.

H.R. 1084: Mr. GOODLATTE.

H.R. 1155: Mr. NETHERCUTT.

H.R. 1214: Mr. SOUDER.

H.R. 1305: Mr. HOEKSTRA and Mr. PICKERING.

H.R. 1306: Mr. BALLANCE.

H.R. 1555: Mrs. CAPPS, Mr. CONYERS, Mr. FILNER, Mr. SABO, Mr. TAYLOR of Mississippi, and Ms. WATERS.

H.R. 1575: Mr. SENSENBRENNER.

H.R. 1634: Mr. KIND.

H.R. 1653: Mrs. WILSON of New Mexico.

H.R. 1728: Mr. RAHALL.

H.R. 1775: Mr. GOODE.

H.R. 1778: Mr. HERGER.

H.R. 1811: Mr. TURNER of Texas.

H.R. 1861: Mr. MCGOVERN.

H.R. 1884: Mr. LATOURETTE, Mr. TAYLOR of North Carolina, and Mr. BALLANCE.

H.R. 1935: Mr. KILDEE.

H.R. 1998: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. QUINN.

H.R. 2023: Mr. WAMP.

H.R. 2151: Mr. WOLF.

H.R. 2157: Ms. BORDALLO.

H.R. 2182: Mr. KILDEE, Mr. EHLERS, Mrs. MILLER of Michigan, and Mr. STUPAK.

H.R. 2217: Mr. GRIJALVA.

H.R. 2262: Mr. BISHOP of New York.

H.R. 2263: Mr. WELLER.

H.R. 2274: Ms. LINDA T. SANCHEZ of California.

H.R. 2284: Mr. SANDLIN.

H.R. 2387: Mr. COOPER.

H.R. 2402: Mr. HOEFFEL and Ms. JACKSON-LEE of Texas.

H.R. 2680: Mr. BISHOP of New York, Mr. LEVIN, Mrs. MALONEY, Mr. KANJORSKI, and Ms. LINDA T. SANCHEZ of California.

H.R. 2699: Mr. WHITFIELD, Mr. MATHESON, Ms. HARRIS, Mr. COLLINS, Mrs. MYRICK, Mr. CRANE, and Mr. RADANOVICH.

H.R. 2735: Mr. LANTOS and Mr. STRICKLAND.

H.R. 2823: Mr. MOORE.

H.R. 2850: Mr. CARDOZA.

H.R. 2871: Mr. BLUMENAUER, Mr. HINOJOSA, and Ms. BERKLEY.

H.R. 2885: Mr. CRAMER and Mr. FERGUSON.

H.R. 2897: Mr. FILNER, Mr. MEEKS of New York, and Mr. RUSH.

H.R. 2959: Mr. MENENDEZ, Mr. MORAN of Virginia, Mr. OLVER, Mrs. MUSGRAVE, Mr. CLAY, Mr. DEAL of Georgia, Mr. BECERRA, Mr. BOSWELL, Mr. BISHOP of New York, Ms. MCCOLLUM, Mr. SMITH of Washington, Mrs. MCCARTHY of New York, and Mr. LARSEN of Washington.

H.R. 2997: Mr. GILLMOR and Mr. SMITH of Washington.

H.R. 3000: Ms. MILLENDER-MCDONALD and Mr. GRIJALVA.

H.R. 3005: Ms. MCCOLLUM.

H.R. 3015: Mr. TERRY.

H.R. 3049: Mr. PALLONE.

H.R. 3069: Mr. MCCOTTER, Mr. TANCREDO, Mr. JONES of North Carolina, and Mr. SHIMKUS.

H.R. 3085: Mr. FILNER.

H.R. 3103: Mr. ROGERS of Michigan.

H.R. 3111: Mr. LARSON of Connecticut, Mr. OLVER, Mr. CONYERS, Mr. BOOZMAN, Mr. NETHERCUTT, and Mr. COOPER.

H.R. 3165: Mr. MILLER of Florida, Mr. GREEN of Wisconsin, and Ms. ROS-LEHTINEN.

H.R. 3193: Mr. ROGERS of Kentucky.

H.R. 3194: Mr. JENKINS.

H.R. 3204: Mrs. EMERSON, Mr. GOODE, Mr. GUTKNECHT, Mr. GARY G. MILLER of California, Mr. SHIMKUS, Mr. SMITH of Michigan, Mr. TIAHRT, Ms. MAJETTE, Mr. ABERCROMBIE,

Mr. BACA, Ms. BALDWIN, Mr. BALLANCE, Mr. BERMAN, Mr. BISHOP of New York, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Ms. CARSON of Indiana, Mr. CLAY, Mr. CLYBURN, Mr. COSTELLO, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Mr. DELAHUNT, Mr. EMANUEL, Mr. ENGEL, Mr. ETHERIDGE, Mr. EVANS, Mr. FALDOMAEGA, Mr. GORDON, Mr. GREEN of Texas, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HONDA, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK, Mr. KLECZKA, Mr. LANTOS, Ms. LEE, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mrs. LOWEY, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. McNULTY, Mr. MEEHAN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. MOLLOHAN, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. ORTIZ, Mr. OWENS, Mr. PASCRELL, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. RANGEL, Mr. RODRIGUEZ, Mr. ROTHMAN, Mr. RUPPERSBERGER, Mr. RUSH, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SKELTON, Ms. SLAUGHTER, Ms. SOLIS, Mr. STUPAK, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. TOWNS, Ms. VELAZQUEZ, Ms. WATSON, Mr. WATT, Ms. WOOLSEY, and Mr. WYNN.

H.R. 3242: Ms. ROS-LEHTINEN, Ms. GINNY BROWN-WAITE of Florida, Mr. MATSUI, Ms. HOOLEY of Oregon, Mr. PRICE of North Carolina, Mr. PLATTS, Mr. GORDON, and Ms. LEE.

H.R. 3244: Mr. DELAHUNT.

H.R. 3274: Mr. ISAKSON.

H.R. 3318: Mr. LINDA T. SANCHEZ of California.

H.R. 3339: Mr. LARSON of Connecticut.

H.R. 3367: Mr. LAHOOD.

H.R. 3386: Mr. GRIJALVA.

H.R. 3412: Mr. LEACH and Mr. SENSENBRENNER.

H.R. 3459: Mr. BERMAN and Mr. McNULTY.

H.R. 3474: Mr. GREEN of Wisconsin and Ms. ESHOO.

H.R. 3479: Mr. ACEVEDO-VILA, Mrs. CHRISTENSEN, Mr. FALDOMAEGA, and Mr. ORTIZ.

H.R. 3482: Mr. UDALL of Colorado.

H.R. 3558: Ms. JACKSON-LEE of Texas.

H.R. 3615: Ms. DeLAURO, Mr. DOYLE, and Mr. KILDEE.

H.R. 3676: Mr. NEAL of Massachusetts, Mr. COSTELLO, and Mr. PLATTS.

H.R. 3716: Mr. BRADLEY of New Hampshire, Mr. JONES of North Carolina, and Mr. RUPPERSBERGER.

H.R. 3756: Mr. HILL, Mr. FOLEY, and Mrs. EMERSON.

H.R. 3777: Mr. MORAN of Kansas.

H.R. 3780: Mr. DAVIS of Illinois.

H.R. 3785: Mr. DAVIS of Florida, Mr. FOLEY, Ms. ROS-LEHTINEN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SHAW, Mr. HASTINGS of Florida, Mr. WELDON of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. PUTNAM, Mr. MILLER of Florida, Mr. BOYD, Mr. BILIRAKIS, Ms. HARRIS, Mr. KELLER, Mr. DEUTSCH, Mr. WEXLER, and Mr. MEEK of Florida.

H.R. 3801: Mr. COLLINS and Mr. MCCOTTER.

H.R. 3815: Mr. TIERNEY and Mr. PASTOR.

H.R. 3840: Mr. HASTINGS of Washington.

H.R. 3858: Mr. SMITH of Washington, Mr. MENENDEZ, Mr. HASTINGS of Washington, and Mr. BAIRD.

H.R. 3881: Mr. ACKERMAN, Mr. CHANDLER, and Mr. TURNER of Texas.

H.R. 3888: Mr. CHANDLER.

H.R. 3889: Mr. STARK.

H.R. 3903: Mr. MILLER of North Carolina.

H.R. 3924: Mr. DAVIS of Illinois.

H.R. 3927: Mr. COSTELLO.

H.R. 3952: Mr. OTTER.

H.R. 3960: Mr. CASE.
 H.R. 3965: Mr. RANGEL and Mr. PLATTS.
 H.R. 3981: Mr. BROWN of South Carolina.
 H.R. 4011: Mrs. JOANN DAVIS of Virginia, Mr. GRIJALVA, and Mr. WEXLER.
 H.R. 4016: Mr. CLAY, Mr. CHANDLER, and Mr. BACHUS.
 H.R. 4026: Mr. LARSEN of Washington and Mr. TURNER of Texas.
 H.R. 4035: Ms. BALDWIN.
 H.R. 4048: Mr. AKIN, Mr. ROSS, Mr. BOUCHER, Mr. BOOZMAN, Mr. HENSARLING, Mr. BISHOP of Utah, Mr. MCCOTTER, Mr. PETERSON of Minnesota, and Mr. BARRETT of South Carolina.
 H.R. 4057: Mr. GREENWOOD.
 H.R. 4072: Mr. MEEKS of New York.
 H.R. 4101: Mr. MARKEY.
 H.R. 4107: Ms. SLAUGHTER, Ms. LORETTA SANCHEZ of California, Mr. LYNCH, Mr. HOLDEN, Mr. ABERCROMBIE, Mr. NEAL of Massachusetts, Mr. LAMPSON, Mr. LANGEVIN, Mr. PALLONE, Mr. ACEVEDO-VILA, Ms. HOOLEY of Oregon, Mr. KILDEE, Mr. BERMAN, Mr. DAVIS of Tennessee, Mr. McDERMOTT, Mr. LOBIONDO, Mrs. JO ANN DAVIS of Virginia, Mr. SAXTON, Mr. DELAHUNT, Mr. FRANK of Massachusetts, Mr. BRADY of Pennsylvania, Mr. FROST, and Mr. SHAYS.
 H.R. 4111: Mr. CHANDLER.
 H.R. 4116: Mr. GREENWOOD, Mr. RAHALL, Mr. LANTOS, Mr. LATHAM, Mr. KIND, Mr. MCGOVERN, Mr. ROTHMAN, Mr. TIERNEY, Mr. MARSHALL, Mr. BOYD, Mr. STARK, Mr. DOGGETT, Mr. NEAL of Massachusetts, Mr. KLECZKA, Mr. HINCHEY, Mrs. CAPPS, Mr. LEWIS of Georgia, Ms. LOFGREN, Mr. JACKSON of Illinois, Mr. BACA, Mr. BELL, Mr. BAIRD, Mr. UDALL of New Mexico, Mrs. MCCARTHY of New York, Mr. HOLDEN, Mr. KANJORSKI, Mr. FATTAH, Mr. DOYLE, Mr. OLVER, Mr. MURTHA, Mr. MICHAUD, Mr. CAPUANO, Mr. STUPAK, Mr. LARSON of Connecticut, Mr. BROWN of Ohio, Mrs. JONES of Ohio, Mr. RYAN of Ohio, Mr. CHANDLER, Mr. ETHERIDGE, and Mrs. SESSIONS.
 H.R. 4126: Mr. CANTOR, Mr. PETERSON of Minnesota, Mr. BISHOP of Utah, Mr.

RAMSTAD, Mr. CULBERSON, Mr. ROSS, Mr. RYUN of Kansas, Mr. AKIN, Mr. HALL, and Mr. DOOLITTLE.
 H.R. 4156: Mr. ROGERS of Kentucky.
 H.R. 4169: Mr. GARRETT of New Jersey, Mr. WAMP, and Mrs. KELLY.
 H.R. 4177: Mr. WU and Mr. KIND.
 H.R. 4180: Mr. RANGEL.
 H.R. 4203: Mr. MARSHALL and Mr. UPTON.
 H.R. 4217: Mr. DEMINT, Mr. BRADLEY of New Hampshire, Mr. MORAN of Virginia, Mr. COLLINS, and Mr. PICKERING.
 H.R. 4230: Mr. MORAN of Virginia, Mr. WYNN, Mr. BERMAN, Ms. SCHAKOWSKY, Mr. ROTHMAN, Mr. WEXLER, Mrs. MCCARTHY of New York, and Mr. HOEFFEL.
 H.R. 4234: Mr. RANGEL, Mr. McNULTY, Mr. JOHNSON of Illinois, Ms. LOFGREN, Mr. KUCINICH, and Mr. JOHN.
 H.R. 4236: Mr. BISHOP of New York.
 H.R. 4237: Mr. BISHOP of New York.
 H.R. 4239: Mr. NEY.
 H.R. 4260: Ms. WATSON, Mr. BRADY of Pennsylvania, and Mr. GRIJALVA.
 H.R. 4262: Mr. HONDA and Mr. LANTOS.
 H.R. 4263: Mr. MEEHAN, Mr. LANGEVIN, Mr. ALLEN, Mr. HINCHEY, Mr. WU, Mrs. CAPPS, Mr. LIPINSKI, Ms. LEE, Mr. BRADY of Pennsylvania, Mr. LARSEN of Washington, Mr. ETHERIDGE, Mr. BACA, Mr. COSTELLO, Mr. BROWN of Ohio, Mr. CLAY, Mr. BAIRD, Ms. HOOLEY of Oregon, Mr. EMANUEL, Ms. KAPTUR, Mr. FATTAH, Mr. GUTIERREZ, Mr. ABERCROMBIE, Mr. KILDEE, Mrs. MCCARTHY of New York, Ms. CARSON of Indiana, Mr. PETERSON of Minnesota, Ms. MILLENDER-MCDONALD, Mr. RYAN of Ohio, Mr. UDALL of Colorado, Mr. RODRIQUEZ, Ms. VELAZQUEZ, Mr. GEHARDT, Mr. HINOJOSA, Mr. ACKERMAN, Mr. KANJORSI, Mr. FORD, Mr. MILLER of North Carolina, Mr. STARK, Mr. MATHESON, Mr. BERMAN, Ms. LINDA T. SANCHEZ of California, Mr. RANGEL, Mr. BISHOP of Georgia, Mr. MICHAUD, Mr. SCHIFF, Mr. VAN HOLLEN, Mrs. DAVIS of California, and Ms. WOOLSEY.
 H.R. 4276: Mr. DAVIS of Tennessee, Mr. PETERSON of Minnesota, Mr. STENHOLM, and Mr. ROSS.

H.R. 4290: Ms. SLAUGHTER.
 H.R. 4325: Mr. STARK.
 H.R. 4333: Ms. LINDA T. SANCHEZ of California and Mr. FROST.
 H.R. 4346: Ms. LEE, Mr. LEWIS of Georgia, Mr. RUSH, Mr. MCGOVERN, Mr. BRADY of Pennsylvania, Mr. GRIJALVA, Mr. REYES, Mr. McDERMOTT, Mr. SCHIFF, Mr. TOWNS, and Mr. ETHERIDGE.
 H.R. 4356: Mr. HINOJOSA, Mr. BERMAN, Ms. BALDWIN, Mr. McNULTY, and Mr. BACA.
 H.R. Res. 94: Mr. TANCREDO, Mr. PETERSON of Minnesota, and Mrs. JO ANN DAVIS of Virginia.
 H.R. Res. 95: Mr. ALLEN, Mr. BAIRD, Mrs. MALONEY, Ms. DELAURO, Mr. VAN HOLLEN, and Mr. SANDERS.
 H. Con. Res. 257: Mr. DOYLE and Ms. LEE.
 H. Con. Res. 318: Mr. GREEN of Wisconsin.
 H. Con. Res. 366: Mr. MEEKS of New York.
 H. Con. Res. 375: Mr. SCHROCK and Mr. WAXMAN.
 H. Con. Res. 391: Ms. DELAURO.
 H. Con. Res. 392: Mr. NEAL of Massachusetts and Mrs. NAPOLITANO.
 H. Con. Res. 399: Mr. SNYDER, Ms. NORTON, Ms. SCHAKOWSKY, and Ms. MCCOLLUM.
 H. Con. Res. 403: Mr. HINCHEY, Mr. MICHAUD, Mr. VISCLOSKEY, Mrs. MALONEY, and Ms. ROS-LEHTINEN.
 H. Con. Res. 421: Mr. HULSHOF.
 H. Res. 129: Mr. DAVIS of Illinois.
 H. Res. 550: Mr. PEARCE.
 H. Res. 556: Mr. MARKEY.
 H. Res. 621: Mr. FROST.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 6, by Mr. TURNER of Texas on House Resolution 523: Jim Matheson and Anna G. Eshoo.